

**L A W S**  
OF THE  
**TERRITORY OF HAWAII**  
PASSED BY THE  
**TWENTY-SEVENTH LEGISLATURE**  
  
**REGULAR SESSION**  
**1953**

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Convened on Wednesday, the Eighteenth Day of February,  
and Adjourned Sine Die on Tuesday, the Nineteenth Day of  
May

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Published by Authority under the  
Direction of the Secretary of Hawaii  
Honolulu, Hawaii

[With notes cumulative 1945, 1947, 1949, 1951, 1953  
Prepared with the assistance of **Mr. Wilder Wight.**]

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Honolulu, Hawaii  
1953

## FOREWORD

### §§ 2-3, REVISED LAWS OF HAWAII 1945, AS AMENDED, PROVIDE AS FOLLOWS:

"Sec. 2. **Laws published.** The secretary of the Territory or any other officer or employee of the Territory designated by the governor shall promulgate all the laws enacted by the legislature, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, by publishing the same once in the English language in a newspaper of general circulation published daily in Honolulu in the English language. Any of such excepted acts may, however, be published when the governor so directs. After such publication, the secretary or such other officer or employee so designated by the governor shall cause the same, together with all other laws duly enacted at any session of the legislature, to be printed, indexed and bound in book form. The index to any volume of the laws enacted at any regular session shall be cumulative and shall include an index of all laws enacted at every preceding regular or special session of the legislature since the publication of the last revision of the laws of the Territory. Before publishing any act in book form, the secretary or such other officer or employee so designated by the governor is directed to conform the style thereof as near as may be with that of the latest revision of the statute law of the Territory. He is directed, before publishing them in book form, to classify all acts by serial letters or numbers or both and to insert appropriate supplementary chapter and section numbers and headnotes together with section histories, wherever necessary to aid in placing amendments or new sections or chapters in an appropriate supplementary sequence with the latest revision of the laws; and such amendments, new sections and new chapters may be cited by reference to such supplementary chapter and section numbers of such latest revision."

"Sec. 3. **Certain acts not obligatory until published.** No written law, unless otherwise specifically provided by legislative enactment, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, shall be obligatory without first being printed and made public. General or special appropriation acts, loan fund acts, pension acts and franchise acts, whether affecting territorial funds or the funds of county or other municipal subdivisions or commissions, shall become operative according to their respective terms merely by being passed and approved in the manner provided by sections 44 to 54, inclusive, of the Organic Act without the necessity of any other promulgation than the ultimate inclusion thereof in the bound volume of respective session laws as provided in section 69 of the Organic Act."

### §§ 2-3, JOINT RESOLUTION No. 4, 1945, PROVIDE AS FOLLOWS:

"Section 2. That the secretary of the Territory be and he is hereby authorized, in complying with the provisions of section 2 of said Revised Laws, before publishing any act in book form, to change or correct any chapter or section numbers contained as a part of or referred to in any such act, whenever necessary to carry out the intent of said section 2. Such changes shall be made on the engrossed copy of each such act and shall be initialed by the secretary thereon."

"Section 3. That any act of the legislature may be cited by reference to the chapter and section numbers as inserted or added or changed by the secretary of Hawaii pursuant to the provisions of said section 2 and the provisions of this resolution as the same are set forth in the printed volume of the laws enacted at any regular session of the legislature, published in book form by said secretary pursuant to the provisions of said section 2 and of this resolution."

THE LATEST REVISION OF THE STATUTE LAW WAS ENACTED IN 1945 BY ACT 1, SERIES A-1, AND IS PUBLISHED IN A VOLUME ENTITLED "REVISED LAWS OF HAWAII 1945."

(The valuable assistance of Mr. Wilder Wight in the compilation of the cumulative material in this volume is acknowledged.)

## CERTIFICATE

Territory of Hawaii  
Office of the Secretary

I, Farrant L. Turner, Secretary of the Territory of Hawaii, do hereby certify that the printed Acts and Joint Resolutions set forth herein are, except as otherwise specifically noted, true and correct copies of the original Acts and Resolutions enacted by the Twenty-seventh Legislature of the Territory of Hawaii at its regular session of 1953, which was convened in Honolulu on Wednesday, the eighteenth day of February, 1953, and adjourned sine die on Tuesday, the nineteenth day of May, 1953; that all such Acts and Resolutions, except as otherwise specifically noted, were approved by the Governor of Hawaii in accordance with the provisions of the Organic Act.

I further certify that the classification of such Acts and Resolutions and the addition of supplementary chapter and section numbers and headnotes, section histories and footnotes has been done under my direction pursuant to applicable provisions of law.

I further certify that all of such Acts and Resolutions required to be promulgated by publication have been duly published in accordance with law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Territory of Hawaii on the fifth day of February, 1954.



*Farrant L. Turner*

Farrant L. Turner  
Secretary of Hawaii

1677

# CHIEF EXECUTIVE AND OFFICERS AND MEMBERS OF THE TWENTY-SEVENTH LEGISLATURE OF THE TERRITORY OF HAWAII

## REGULAR SESSION OF 1953

Governor of Hawaii.....\*Oren E. Long  
Governor of Hawaii.....Samuel Wilder King

### SENATE

President.....Wilfred C. Tsukiyama, Honolulu, Oahu  
Vice-President.....Wendell F. Crockett, Wailuku, Maui  
Clerk.....Ellen D. Smythe, Honolulu, Oahu

District	Name	Address
First .....	Abe, Kazuhisa (D).....	Hilo, Hawaii
	*Hill, William H. (R).....	Hilo, Hawaii
	Nobriga, William J. (D).....	Hilo, Hawaii
	*Okino, Tom T. (D).....	Hilo, Hawaii
Second ....	Ansai, Toshio (R).....	Wailuku, Maui
	*Crockett, Wendell F. (R).....	Wailuku, Maui
	*Duarte, John Gomes (D).....	Wailuku, Maui
Third .....	Dillingham, Benjamin F. (R).....	P. O. Box 3288, Honolulu, T. H.
	*Heen, William H. (D).....	Honolulu, T. H.
	Itagaki, Joseph R. (R).....	1016 Ala Moana Blvd., Honolulu, T. H.
	Lee, Herbert K. H. (D).....	4950 Mana Place, Honolulu, T. H.
	*Robinson, Mary K. (R).....	Honolulu, T. H.
	*Tsukiyama, Wilfred C. (R).....	Honolulu, T. H.
Fourth ....	*Fernandes, John B. (D).....	Kapaa, Kauai
	Miyake, Noboru (R).....	Waimea, Kauai

#### \* Holdovers

D—Democrat ..... 7  
R—Republican ..... 8

\* Term expired February 27, 1953



## OFFICERS AND MEMBERS OF THE LEGISLATURE

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### HOUSE OF REPRESENTATIVES

Speaker.....Hiram L. Fong, Honolulu, Oahu  
Vice-Speaker.....Richard St. Sure, Paia, Maui  
Clerk.....Walter G. Chuck, Honolulu, Oahu

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District	Name	Address
First .....	Garcia, Joseph R., Jr. (R)....	Hakalau, Hawaii
	Kobayashi, Raymond M. (D) ..	Hilo, Hawaii
	Sakakihara, Thomas T. (R)....	Hilo, Hawaii
	Yamauchi, Joseph Takao (R) ..	Hilo, Hawaii
Second ...	Hind, Robert L., Jr. (R) .....	Holualoa, Hawaii
	Pule, Akoni (D).....	Halaula, Hawaii
	Richardson, Esther K. (R)....	Kealahkekua, Hawaii
	Toguchi, Thomas T. (R).....	Naalehu, Hawaii
Third .....	Duponte, Dee (D).....	Wailuku, Maui
	Lydgate, E. P. (R).....	Paia, Maui
	Paschoal, Manuel Gomes (R) ..	Wailuku, Maui
	St. Sure, Richard (R).....	Paia, Maui
	Seong, Clarence K. (D).....	Wailuku, Maui
	Tokunaga, Bernard H. (R)....	Wailuku, Maui
Fourth ...	Edwards, Webley (R).....	4523 Aukai Ave., Honolulu
	King, Jack P. (R).....	522-A Maluniu St., Lanikai
	McGuire, Walter F. (R).....	5344 Kalaniana'ole Highway, Honolulu
	Porteus, Hebden (R).....	2160 Manoa Road, Honolulu
	Russell, J. Ward (R).....	c/o Mutual Telephone Co., 1130 Alakea St., Honolulu
	Starr, W. Russell (R).....	4967 Maunalani Circle, Honolulu
Fifth .....	Esposito, O. Vincent (D)....	2707 Liliha St., Honolulu
	Fong, Hiram L. (R).....	1102 Alewa Drive, Honolulu
	Fukushima, Yasutaka (R)....	263 Walker Avenue, Wahiawa
	Kauhane, Charles E. (D)....	159 N. Hotel St., Honolulu
	Noda, Steere G. (D).....	P. O. Box 712, Honolulu
	Shimamura, Clarence Y. (R) ..	2752 Nuuanu Ave., Honolulu
Sixth .....	Fernandes, William E. (D)....	Kapaa, Kauai
	Henriques, Manuel S. (D)....	Kapaa, Kauai
	Serizawa, Toshio (D).....	Lihue, Kauai
	Yama, Toshiharu (D).....	Lihue, Kauai

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D—Democrat ..... 11  
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**TABLE OF SECTIONS OF REVISED LAWS OF HAWAII, 1945  
AFFECTED BY ACTS OF THE TWENTY-SEVENTH  
LEGISLATURE, 1953**

**Key**

Abbreviations:

Ad—Added

Am—Amended

R — Repealed

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**TABLE OF SECTIONS OF REVISED LAWS OF HAWAII, 1945  
AFFECTED BY ACTS OF THE TWENTY-SEVENTH  
LEGISLATURE, 1953**

**Key**

Abbreviations:

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R — Repealed

<b>R. L. 1945 Sections</b>	<b>Effect</b>	<b>Act No.</b>	<b>R. L. 1945 Sections</b>	<b>Effect</b>	<b>Act No.</b>
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LEGISLATURE, 1953**

**Key**

Abbreviations:

Ad—Added

Am—Amended

R—Repealed

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**TABLE OF SECTIONS OF REVISED LAWS OF HAWAII, 1945  
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<b>R. L. 1945</b>		<b>Act</b>	<b>R. L. 1945</b>		<b>Act</b>
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Series **C**—denotes Acts amending, etc., **Part C, R. L. 1945, affecting Business and Corporations.**

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# 1953

## LAWS OF THE TERRITORY OF HAWAII PASSED AT THE TWENTY-SEVENTH REGULAR SESSION OF THE LEGISLATURE

Acts arranged in sequence with Parts A-E of the Revised Laws of Hawaii 1945; all additions, notes and brackets [ ] added by the Secretary of Hawaii under authority of R. L. 1945, s. 2 and of S. L. 1945, J. R. 4.

### Title 1: GENERAL LAWS.

#### Chapter 1. COMMON LAW, STATUTES, DEPOSITARIES

- § 2. **Laws published.** Am. L. 1951, Act 301 [A-1].  
§ 14. **Number, gender.** Am. L. 1945, Act 233 [A-2], rewritten p. 4.  
§ 15. **"Or", "and".** Am. L. 1945, Act 233 [A-2], rewritten, p. 4.  
§ 16. **"Person", etc.** Am. L. 1945, Act 233 [A-2], rewritten, p. 5.  
§§ 20.01-.02. **Standard time.** NEW, L. 1947, Act 161 [A-1].  
§ 21. **Holidays designated.** Am. L. 1945, J. R. 8; Am. L. 1949, J. R. 15 [A-1], rewritten pp 1, 2; Am. L. 1953, Act 278 [A-5] infra.  
§ 31. **Duties of board** (of public archives). Am. L. 1945, Act 238 [A-3], rewritten p. 5.

#### Series A-1: ACT 160

An Act Relating to the Powers of the Board  
of Commissioners of Public Archives and Author-  
izing the Sale of Duplicate Documents.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby added a new section to chapter 1 of the Revised Laws of Hawaii 1945, as amended, to be numbered and to read as follows:

"Sec. 32.01. **Sale of duplicate government publi-  
cations.** The board may determine and from time to time  
revise prices to be charged and collected by the board  
for the sale of duplicate publications in its possession.  
The funds realized under this section shall be paid into  
the treasury of the Territory as general fund realizations."  
[L. 1953, c. 160, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 1, 1953.) S. B. 187, Act 160.

§ 35. **Commission created; term of office.** Am. L. 1949, Act 326 [A-2].

## Chapter 2. CIVIL SERVICE LAW.\*

§§ 61-89. Civil service, classification, etc. NEW, L. 1951, Act 319 [A-2].

## Series A-2: ACT 212

An Act Amending Chapter 2 of the Revised Laws of Hawaii 1945, as Amended by Act 319, Session Laws of Hawaii 1951, Relating to Civil Service.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 2 of the Revised Laws of Hawaii 1945, as amended by Act 319, Session Laws of Hawaii 1951, is hereby further amended in the following respects:

(a) By amending subsection (d) of section 71 thereof to read as follows:

“(d) To foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee efficiency;” [L. 1939, c. 187, s. 9; R. L. 1945 s. 71; am. L. 1951, c. 319, pt. of s. 1; am. L. 1953, c. 212, s. 1 (a).]

(b) By amending section 74 thereof by adding two new subsections (q) and (r) to follow subsection (p) thereof and to read as follows:

“(q) The commission shall promulgate a uniform plan for the creation of grievance procedures in the various departments. The rules and regulations relating to grievance procedures shall conform to the following principles:

(1) An employee may, without resort to formal procedures, discuss informally any problem relating to his conditions of employment with any of his supervisors.

(2) In presenting a grievance, the employee shall be assured freedom from coercion, discrimination or reprisal.

(3) An employee shall have the right to be represented by a person or persons of his own choosing at any stage in the presentation of his grievance.

(4) All proceedings relating to the handling of employee grievances shall so far as practicable be conducted during office hours.

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\* For prior amendments to Chap. 2, see S. L. 1949, p. 3, Sp. S. L. 1949, Acts 5 [A-1], 45 [A-2]; S. L. 1951, Acts 155 [F-323], 262 [A-19].

(r) The commission shall initiate and provide suitable in-service training programs so that the quality of service rendered by government employees may be continually improved. The director shall be responsible for the coordination of the in-service training activities of all departments of government with related activities conducted by the University of Hawaii and the department of public instruction."

SECTION 2. **Section 74** of the Revised Laws of Hawaii 1945, as amended by Act 319 of the Session Laws of Hawaii 1951, is hereby amended by deleting the first sentence of paragraph (b) of said section and substituting therefor the following:

"An appointing authority may fill a position in his department by promoting any regular employee in such department without examination if the employee meets the minimum class qualifications of the position to which he is to be promoted, **provided** that the position to be filled is related or is in the same series as, and is not more than two grades higher than, the position then held by such employee. Otherwise, all vacancies and new positions in the classified service shall be filled in the manner prescribed in this chapter or in section 451." [L. 1939, c. 187, s. 13; R. L. 1945, s. 74; L. 1951, c. 319, pt. of s. 1; am. L. 1953, c. 212, s. 2.]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 8, 1953.) **H. B. 662, Act 212.**

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### Series A-3: ACT 74

An Act Relating to Reemployment Rights  
of Certain Regular Employees of the Classified  
Service.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The provisions of **section 74(i)** of chapter 2, Revised Laws of Hawaii 1945, as amended by Act 319 of the Session Laws of Hawaii 1951, shall apply to all persons who were, prior to July 1, 1951, members of the civil service of the Territory or of any county thereof, and the period of time during which the right to have their names placed on the appropriate reemployment list shall in all cases be six years from the date of termination of their employment, notwithstanding the fact that such termination was effective prior to said July 1, 1951, **provided**, that written application

of reemployment had been duly made under the provisions of the law in effect at the time of such termination. [L. 1939, c. 187, s. 113; R. L. 1945, s. 74; L. 1951, c. 319, s. 1; am. L. 1953, c. 74, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 9, 1953.) **S. B. 387, Act 74.**

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### Series A-4: ACT 209

An Act Relating to the Position of the Manager of the Urban Redevelopment Agency and Exempting the Same from the Laws Relating to Civil Service and Classification, by Amending Chapters 2, 3 and 121.01 of the Revised Laws of Hawaii 1945, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 2 of the Revised Laws of Hawaii 1945, as amended by Act 319 (Series A-2), Session Laws of Hawaii 1951, is further amended by amending **section 82** thereof, by adding thereto a new subparagraph to read as follows:

“(j) Position specifically exempted from the provision of this subtitle by any other law.” [L. 1951, c. 319, s. 1; am. L. 1953, c. 209, s. 1.]

SECTION 2. Chapter 3 of the Revised Laws of Hawaii 1945, as amended by Act 320 (Series A-3), Session Laws of Hawaii 1951, is further amended by amending **section 128** thereof, by adding thereto a new subparagraph to read as follows:

“(8) Position specifically exempted from the provision of this subtitle by any other law.” [L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 209, s. 2.]

SECTION 3. **Section 6195.04** (e) (3) of chapter 121.01 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by substituting for the words “chapter 2” in the 6th line of said subparagraph (3) the following words:

“chapters 2 and 3, but whose compensation shall be subject to the further approval of the board”; [L. 1949, c. 379, s. 4; am. L. 1951, c. 244, s. 3; am. L. 1953, c. 209, s. 3.]

SECTION 4. This Act shall take effect upon its approval.  
(Approved June 8, 1953.) **S. B. 377, Act 209.**

## Chapter 3. SALARY STANDARDIZATION LAW.\*

## Series A-5: ACT 278

An Act Relating to the Public Service in the Territory and the Several Counties, Including Classification and Compensation, Vacations and Sick Leaves, Holidays, Vacancies in Office, and Pensions; and Making Appropriations Related Thereto.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

## CLASSIFICATION

SECTION 1. Act 320, Session Laws of Hawaii 1951, is hereby repealed, and all laws or parts of laws inconsistent with section 2 of this Act are hereby repealed to the extent of such inconsistency.

SECTION 2. Chapter 3, Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

## "CHAPTER 3. CLASSIFICATION LAW.

**Sec. 101. Definitions.** As used in this chapter, unless the context clearly indicates otherwise:

(1) 'Board' means the civil service commission and it is hereby constituted the personnel classification board;

(2) 'Bureau' means a department or a division or bureau of a department, as the context may require or indicate to be appropriate;

(3) 'Class' or 'class of positions' includes all positions which are sufficiently similar as to kind or subject matter of work, level of difficulty and responsibility, and the qualification requirements of the work to warrant similar treatment in personnel and pay administration;

(4) 'Compensation' means any salary, wage, fee, allowance or other emolument paid to an employee for service in a position;

(5) 'Department' means a department of the executive branch of the government of the Territory or any county; a governmental establishment in the executive branch of the government which is not a part of an executive department; the supreme court of the

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\* For prior amendments to Chap. 3, see S. L. 1949, pp. 3, 4; S. L. 1951, pp. 28-47; see also S. L. 1951, Acts 319 [A-2], 21 [F-324].



Territory; the land court of the Territory; the district court of Kalawao; and any office, bureau, institution, department, court, board, commission, or other agency or body of the public service of the Territory or any county;

(6) 'Director of classification' means the personnel director for the civil service of the Territory, and he is hereby constituted the director of classification of the Territory;

(7) 'Employee' means any person occupying a position, whether permanently or otherwise, and whether as an employee or officer;

(8) 'General schedule' means the compensation schedule which is provided for by this chapter;

(9) 'Grade' includes all classes of positions which (although different with respect to kind or subject matter of work) are sufficiently equivalent as to level of difficulty and responsibility, and level of qualification requirements of the work to warrant the inclusion of such classes of positions within one range of rates of basic compensation;

(10) 'Position' means the work, consisting of duties and responsibilities assignable to an officer or employee. [L. Sp. 1941, c. 88, s. 1; R. L. 1945, s. 101; am. L. 1951, c. 319, pt. of s. 2, c. 320, pt. of s. 1; am. L. 1953, c. 278, s. 2.]

**Sec. 102. Policy.** It is the purpose of this chapter to provide a plan for the classification of positions and for rates of basic compensation whereby in determining the rate of basic compensation which an employee shall receive, the principle of equal pay for substantially equal work shall be followed and variations in rates of basic compensation paid to different employees shall be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed. [L. Sp. 1941, c. 88, s. 2; R. L. 1945, s. 102; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 103. Coverage — Territory.** This chapter shall apply to all positions of persons who are employed in the public service of the Territory or whose compensation is paid in whole or in part from territorial funds, including positions the compensation for which is specifically fixed by any other law or a general appropriation act, except the following positions:

(1) Positions of members of any board or commission;

(2) Positions of all officers and heads of departments whose appointments are made by the governor, pursuant to the provisions of the first paragraph of section 80 of the Organic Act, and the positions of the president of the board of health and of the director of the bureau of the budget; and positions of assistant and deputy attorneys general if and while exempted from classification by order of the governor;

(3) Teachers, principals, specialists not engaged in instructional work, supervisors, including supervising principals, and district superintendents, directors and chief administrative personnel and their assistants under the department of public instruction, but secretarial and clerical employees, cafeteria managers and helpers and personnel not engaged in supervision or direction of instructional work shall be subject to the provisions of this chapter;

(4) Positions filled by members of the faculty of the University of Hawaii, including research workers, extension agents, and all personnel engaged in instructional work;

(5) Household positions at Washington Place;

(6) Positions filled by inmates, kokuas, patients, students or beneficiaries in territorial institutions;

(7) Positions of judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, and court commissioners;

(8) Positions of inspectors of election, election clerks, and other election employees;

(9) Positions filled by commissioned and enlisted personnel of the national guard of Hawaii as such, and positions in the national guard of Hawaii which are required by territorial and federal laws or regulations, or orders of the national guard, to be filled from such commissioned or enlisted personnel;

(10) Positions filled by the legislature of the Territory or by either House or any committee thereof;

(11) Positions filled by persons employed by contract to render a special or temporary service for the Territory where such contract is certified by the director of classification to be for a service which, from its nature and all other circumstances surrounding its fulfillment,

can in the public interest be performed better under contract than by an employee in civil service;

(12) Positions filled by persons employed on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the Territory; and

(13) Positions specifically exempt from the provisions of this chapter by any other law. [L. Sp. 1941, c. 88, s. 2; R. L. 1945, s. 103; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 104. Determination of coverage.** The director of classification is authorized and directed to determine finally the applicability of section 103 to specific positions. [L. Sp. 1941, c. 88, s. 21; R. L. 1945, s. 104; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 105. Functions of director of classification.** 1. The director of classification shall have the power and authority, and it shall be his duty, to:

(1) Place in its appropriate class and grade any newly created position and any position coming initially under this chapter;

(2) Change the class or grade, or class and grade, of any position, whenever, (a) there is a substantial change in the duties or responsibilities of the position subsequent to June 30, 1951 or, (b) the position of a supervisor and the positions supervised are allocated to the same grade as a result of conversion to the general schedule pursuant to section 107 of this chapter; **provided**, however, that in no event shall a position be reclassified upward unless the director of the bureau of the budget in the case of the Territory of Hawaii, or the auditor of the appropriate county, certifies to the board that there will be sufficient appropriations for the department concerned to pay the additional compensation resulting from such upward reclassification.

(3) Determine the reasonable value of allowances rendered to employees in the form of quarters, heat, light, household equipment, maid service, laundry service, or other perquisites, at the expense of the Territory or county but not for the convenience or benefit of the Territory or county, and cause the reasonable value of

such allowances to be deducted from the compensation of such employees.

2. The director shall certify to the department concerned action taken by him under subparagraphs (1), (2) and (3) of paragraph 1. The department shall take action in accordance with such certificate and such certificate shall be binding on all administrative, certifying, pay roll, disbursing, and accounting officers.

3. The basis for determining the class in which a position shall be placed shall be the duties and responsibilities of the position and the qualifications required by the duties and responsibilities. The basis for determining the grade in which a class shall be placed shall be the level of difficulty, responsibility, and qualification requirements of the work of the class.

4. The director shall have the power to appoint such assistants and employees as may be necessary for the proper administration of the classification law and for whom appropriations shall have been made by the legislature. Such assistants and employees shall be members of civil service and shall receive such salaries as shall be fixed pursuant to the provisions of this chapter.

5. The director shall adopt and publish class specifications. Such specifications shall:

- (1) describe the class and its characteristic duties and responsibilities;
- (2) describe the minimum qualifications for the class;
- (3) indicate the title of the class and its grade allocation.

The director shall keep the class specifications up to date so that, as nearly as may be practicable, all positions existing at any given time will be covered by current published specifications. Official class titles established by the director shall be used for personnel, budget and fiscal purposes, but this requirement shall not prevent the use of organization or other titles for internal administration, public convenience, law enforcement or similar purposes. [L. Sp. 1941, c. 88, s. 4; R. L. 1945, s. 105; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 106. General schedule.** 1. The annual rates of basic compensation with respect to employees and positions to which this chapter applies shall be in accordance with the following general schedule on and subsequent to July 1, 1953:

	First Step	Second Step	Third Step	Fourth Step	Fifth Step	Sixth Step	Seventh Step	Eighth Step	Ninth Step
GS- 1	\$ 2040	\$ 2120	\$ 2200	\$ 2280	\$ 2360	\$ 2440	\$ 2520	\$ 2600	\$ 2680
GS- 2	2370	2450	2530	2610	2690	2770	2850	2930	
GS- 3	2650	2730	2810	2890	2970	3050	3130		
GS- 4	2875	2955	3035	3115	3195	3275	3355		
GS- 5	3100	3225	3350	3475	3600	3725	3850		
GS- 6	3450	3575	3700	3825	3950	4075	4200		
GS- 7	3825	3950	4075	4200	4325	4450	4575		
GS- 8	4200	4325	4450	4575	4700	4825	4950		
GS- 9	4600	4725	4850	4975	5100	5225	5350		
GS-10	5000	5125	5250	5375	5500	5625	5750		
GS-11	5400	5600	5800	6000	6200	6400			
GS-12	6400	6600	6800	7000	7200	7400			
GS-13	7600	7800	8000	8200	8400	8600			
GS-14	8800	9000	9200	9400	9600	9800			
GS-15	10000	10250	10500	10750	11000				
GS-16	11200	11400	11600	11800	12000				

2. Whenever payment is made on the basis of a daily, hourly, weekly, or monthly rate, such rate shall be computed in the following manner:

(1) By dividing the annual rate by twelve in order to find the monthly rate;

(2) By dividing the annual rate by fifty-two in order to find the weekly rate;

(3) By dividing the annual rate by fifty-two and again dividing the result thereof by forty, in order to find the hourly rate; and

(4) By multiplying the hourly rate by the number of daily hours of service required, in order to find the daily rate.

3. For the purposes of this chapter, the fourth step in grades 11, 12, 13, and 14 of the general schedule shall be considered the middle step and the fifth step in grade 2 of said schedule shall be considered the middle step. [L. Sp. 1941, c. 88, s. 5; R. L. 1945, s. 106; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

#### **Sec. 107. Determination of grade in general schedule.**

On July 1, 1953 each position subject to this chapter shall be assigned to a grade in the general schedule, said grade to be determined as follows:

(1) With respect to each position allocated to a grade in the Hawaiian compensation schedules (i.e., the schedules prescribed in chapter 3 as it existed on June 30, 1951), the said grade on June 30, 1953, shall be the base for conversion to a grade in the general schedule. With respect to each position not allocated to a grade in the Hawaiian compensation schedules, the director of classification shall ascertain the appropriate grade on June 30, 1953, of the position in the Hawaiian compensation schedules, and the said appropriate grade shall be the base for conversion to a grade in the general

schedule. Notwithstanding any other provision of this subparagraph to the contrary, the base for conversion to a grade in the general schedule with respect to each position in the police departments of the counties of Hawaii, Maui and Kauai shall be one grade lower than the grade of the comparable position in the police department of the city and county of Honolulu, and the base for conversion to a grade in the general schedule with respect to each position in the fire departments of the counties of Maui and Kauai shall be the grade of the comparable position in the fire department of the county of Hawaii.

(2) The grade for each position (i.e. the base as ascertained in subparagraph (1)) shall be converted to a grade in the general schedule in accordance with the following table:

OLD GRADE HAWAIIAN COMPENSATION SCHEDULES			CORRESPONDING NEW GRADE IN GENERAL SCHEDULE		
Profession- al and Scientific Service	Sub-pro- fessional Service	Clerical Adminis- trative & Fiscal Service	Inspec- tional Service	Craft and Cus- tomarial Service	General Service July 1, 1953
	1-2	1		1-2-3	1
	3	2		4	2
	4	3	1	5	3
	5	4	2	6	4
1	6	5	3	7-8	5
	7	6	4	9	6
2	8	7	5	10	7
		8	6	11	8
3		9	7	12	9
		10	8	13	10
4		11	9	14	11
5		12	10	15	12
6		13	11		13
7		14	12		14
8		15	13		15
9		16			16

[L. Sp. 1941, c. 88, s. 6; R. L. 1945, s. 107; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 108. Determination of step in grade of general schedule.** As to each employee, the base for the determination of the step in the grade of the general schedule to which his position is allocated by section 107 shall be the compensation which the employee would have been receiving on June 30, 1953 under chapter 3 as it existed

on June 30, 1951, but assuming chapter 3 covered the same positions which were covered by the Act 320, Session Laws of Hawaii 1951, plus the salary increase of \$25.00 per month provided for by Act 322 of the Session Laws of Hawaii 1951.

(1) If the base is less than the first step in the grade of the general schedule to which the employee's position is allocated by section 107, his compensation shall be the compensation for the said first step.

(2) If the base is the same as one of the steps in the grade of the general schedule to which the employee's position is allocated by section 107, his compensation shall be the compensation for the said step.

(3) If the base is between any two of the steps in the grade of the general schedule to which the employee's position is allocated by section 107, his compensation shall be the compensation for the higher of the two said steps.

(4) If the base is greater than the highest step in the grade of the general schedule to which the employee's position is allocated by section 107, he shall continue to receive compensation equal to the said base so long as he continues to serve in that position with substantially the same duties and responsibilities. [L. Sp. 1941, c. 88, s. 7; R. L. 1945, s. 108; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 109. Increments — service anniversary dates.**

1. An employee, who has not attained the highest step in the grade of the general schedule to which his position is placed shall have his compensation increased to the next higher step of the said grade, at the end of each full year of satisfactory service in a position or in any one or more positions of the same class and grade, or in any one or more positions, of the same or higher grade, that are sufficiently similar to warrant considering service in all such positions as constituting a year of service for such purpose, and subject to the provisions of section 110.

2. The probationary period of an employee shall be considered as part of that year of service.

3. The service anniversary date for all employees who are in service on July 1, 1953 shall be July 1, 1953. No increment shall be earned under this section prior to July 1, 1954. [L. Sp. 1941, c. 88, s. 8; R. L. 1945, s. 109; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 110. Efficiency rating.** 1. The director of classification with the approval of the board shall establish and may revise from time to time a system of efficiency ratings for the appraisal of the service of employees whose positions are subject to this chapter.

2. Such system shall set forth degrees of efficiency which shall constitute ground for:

- (1) The granting of increments;
- (2) Continuance of existing rates of compensation;
- (3) Decrease in the rate of compensation of employees who at the time are above the middle step for the grade in which their positions are placed; and
- (4) Removal from the position or dismissal from the service.

3. Each department shall rate in accordance with such system the efficiency of each employee under its jurisdiction.

4. The departments shall transmit the ratings to the director of classification.

5. Reduction in compensation, removal from position, or dismissal from the service shall be made by the department head whenever under the system the ratings warrant such action. [L. Sp. 1941, c. 88, s. 9; R. L. 1945, s. 110; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 111. New appointments.** 1. Subject to paragraph 2 of this section, all new appointments shall be made at the first step of the appropriate grade.

2. Any provision of law to the contrary notwithstanding, if in endeavoring to recruit candidates for a position subject to the provisions of this chapter the personnel director has exhausted all reasonable means of recruitment, including advertising once in each of three successive weeks in a newspaper of general circulation in the Territory, without procuring any candidate suitable for the position at the first step for the grade of such position, he shall be authorized to recruit candidates for that position for employment on a temporary basis at any higher step for the grade; and the appointing authority shall be authorized to appoint at such higher rate a candidate so recruited. If the personnel director shall be unable so to recruit any suitable candidate for the position at a higher step for the grade, he shall be authorized with the written approval of the governor to recruit a candidate for such position on a temporary basis at a



salary to be fixed by the director of classification. All such temporary hiring shall be under special contract, and the contract shall provide that it will terminate as soon as a permanent employee is hired. [L. Sp. 1941, c. 88, s. 10; R. L. 1945, s. 111; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 112. Promotions.** An employee who is promoted to a position in a higher grade shall receive compensation at the lowest step of such higher grade which exceeds his existing compensation. [L. Sp. 1941, c. 88, s. 11; R. L. 1945, s. 112; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 113. No discrimination.** In the administration of this chapter, there shall be no discrimination with respect to any person or with respect to the position held by any person, on account of sex, marital status, race, color or creed. [L. Sp. 1941, c. 88, pt. of s. 11; R. L. 1945, s. 113; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 114. Prohibition.** No funds shall be used to pay the compensation of any employee whose position has been placed in a class and grade solely on the basis of the size of the group, section, bureau, or other organization unit, or the number of subordinates supervised. Such factors may be given effect only to the extent warranted by the work load of the organization unit and then only in combination with other factors, such as the kind, difficulty, and complexity of work supervised, the degree and scope of responsibility delegated to the supervisor, and the kind, degree, and character of the supervision actually exercised. [L. Sp. 1941, c. 88, pt. of s. 11; R. L. 1945, s. 114; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 115. Veteran's preference not affected.** The veteran's preference provisions of chapter 2 shall not be affected by this chapter. [L. Sp. 1941, c. 88, pt. of s. 11; R. L. 1945, s. 115; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 116. Personnel classification board.** 1. The board shall meet at the call of the chairman at such place as shall be made available for such purpose by the governor and at such times as may be designated in advance by the board. All meetings of the board shall be open to the public.

2. Members of the board shall serve without compensation but shall be reimbursed for necessary travel-

ling expenses incurred in the performance of their duties, including a reasonable allowance for board and lodging whenever any member shall be required to travel from any island to another island. The expenses of the members and other expenses of the board shall be paid by the Territory. [L. Sp. 1941, c. 88, pt. of s. 11; R. L. 1945, s. 116; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 117. Functions of the personnel classification board.** 1. It shall be the duty of the personnel classification board to hear and decide appeals by employees and departments from the decisions and actions of the director of classification in all matters pertaining to classification.

2. An appeal shall be made within twenty days after notice of the decision or action of the director has been transmitted to the employee or department affected thereby. The board shall hear the appeal in a manner similar to that provided in section 75. The findings and decisions of the board shall be final on all appeals. [L. Sp. 1941, c. 88, s. 12; R. L. 1945, s. 117; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 118. Regulations.** The director of classification is hereby authorized to issue, subject to the approval of the board and the governor, such regulations as will implement the execution of this chapter. [L. Sp. 1941, c. 88, s. 13; R. L. 1945, s. 118; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 119. Reports.** The director of classification shall submit to the governor an annual report with respect to the administration of this chapter not later than February 1. The governor shall submit a report to the legislature at each regular session thereof which shall contain, among other matters, such recommendation with respect to the administration of this chapter as he may deem advisable. [L. Sp. 1941, c. 88, s. 14; R. L. 1945, s. 119; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 120. Service to political subdivisions.** The director of classification for the Territory may enter into agreements with any political subdivision of the Territory to furnish services and facilities to such political subdivision in the administration of the provisions of this chapter. Any such agreement shall provide for the reimbursement to the Territory of the reasonable cost of the services and facilities furnished, as determined

by the director of classification for the Territory. All political subdivisions are hereby authorized to enter into such agreements. [L. Sp. 1941, c. 88, s. 15; R. L. 1945, s. 120; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

### CITY AND COUNTY OF HONOLULU

#### **Sec. 121. Coverage — city and county of Honolulu.**

This chapter shall apply to all positions the compensation for which is paid directly from funds under the control of the city and county of Honolulu or any independent board or commission thereof, including positions the compensation for which is specifically fixed by any other law, except the following positions:

- (1) Positions of officers elected by public vote;
- (2) Positions of heads of departments whose appointments are made by the mayor with the approval of the board of supervisors and the position of manager of the board of water supply; and positions of deputy city and county attorneys and assistant public prosecutors if and while exempt from classification under this chapter by order of the mayor, approved by the board of supervisors;
- (3) Positions of members of any board or commission;
- (4) Positions filled by inmates, patients, or students in city and county institutions or in the schools;
- (5) Positions of district magistrates, jurors, jury commissioners and witnesses;
- (6) Positions filled by persons employed by contract to render a special or temporary service for the city and county where such contract is certified by the director of classification to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in civil service;
- (7) Positions filled by persons employed on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and county; and
- (8) Positions specifically exempted from the provisions of this chapter by any other law. [L. Sp. 1941, c.

88, s. 16; R. L. 1945, s. 121; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 122. Provisions of previous sections applicable.**

All of the provisions of sections 101 and 102 and sections 104 to 120 inclusive of this chapter not by their terms inapplicable shall apply with equal force to the city and county as the same apply to the Territory; the term 'Territory' whenever it appears in said sections shall mean the city and county; the term 'governor' shall mean the mayor of the city and county; the term 'legislature' shall mean the board of supervisors of the city and county; the term 'personnel classification board' shall mean the civil service commission of the city and county and it is hereby constituted the personnel classification board for the city and county, and the term 'director of classification' shall mean the personnel director of the city and county and he is hereby constituted the director of classification of the city and county. [L. Sp. 1941, c. 88, s. 17; R. L. 1945, s. 122; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**COUNTIES OF HAWAII, MAUI AND KAUAI**

**Sec. 123. Coverage — Counties of Hawaii, Maui and Kauai.** This chapter shall apply to all positions the compensation for which is paid directly from funds under the control of the counties of Hawaii, Maui and Kauai, respectively, or any independent board or commission thereof, including positions the compensation for which is specifically fixed by any other law, except the following positions:

- (1) Positions of officers elected by public vote;
- (2) Positions of heads of departments whose appointments are made by the chairman of the board of supervisors with the approval of the board of supervisors; and positions of deputy county attorneys if and while exempt from classification under this chapter by order of said chairman, approved by the board of supervisors;
- (3) Positions of members of any board or commission;
- (4) Positions filled by inmates, patients, or students in county institutions or in the schools;
- (5) Positions of district magistrates, jurors, jury commissioners and witnesses;
- (6) Positions filled by persons employed by contract to render a special or temporary service for the county

where such contract is certified by the director of classification to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in civil service;

(7) Positions filled by persons employed on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or their private employment, if any, and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county; and

(8) Positions specifically exempted from the provisions of this chapter by any other law. [L. Sp. 1941, c. 88, s. 18; R. L. 1945, s. 123, am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**Sec. 124. Provisions of previous sections applicable.**

All of the provisions of sections 101 and 102 and sections 104 to 120 inclusive of this chapter not by their terms inapplicable shall apply with equal force to each of the counties of Hawaii, Maui and Kauai as the same apply to the Territory; the term 'Territory' wherever it appears in said sections shall mean each of the said counties; the term 'governor' shall mean the chairman of the board of supervisors of each of the said counties; the term 'legislature' shall mean the board of supervisors of each of the said counties; the term 'personnel classification board' shall mean the civil service commission of each of the said counties and it is hereby constituted the personnel classification board for each of the said counties; and the term 'director of classification' shall mean the personnel director of each of the said counties and they are hereby constituted the director of classification for each of the said counties." [L. Sp. 1941, c. 88, s. 19; R. L. 1945, s. 124; am. L. 1951, c. 320, pt. of s. 1; am. L. 1953, c. 278, pt. of s. 2.]

**SECTION 3.** From the effective date of this Act through June 30, 1953, all officers and employees whose positions are subject to chapter 3, Revised Laws of Hawaii 1945, as amended by this Act, shall receive the compensation to which they would have been entitled under Act 320, Session Laws of Hawaii 1951, without taking into consideration any activity of the salary standardization board.

**SECTION 4.** 1. Each officer and employee whose position was subject to chapter 3, Revised Laws of Hawaii 1945, as amended, during the biennium July 1, 1951 through June

30, 1953, and who was in service during the biennium, including individuals whose employment was terminated either voluntarily or involuntarily during the biennium, shall be entitled to receive compensation, in addition to compensation theretofore paid, on the basis of one of the three following options which shall be selected by the officer or employee and for which the officer or employee shall be able to qualify. Selection shall be made by the officer or employee prior to July 1, 1953, in writing, signed by the officer or employee, and submitted to his department head. All such selections shall be final.

(1) If an officer or employee was in service at any time during the biennium, he shall be paid in one lump sum on June 30, 1953 the total of the increments that the officer or employee would have received during the biennium under chapter 3, as it existed on June 30, 1951, but assuming said chapter 3 covered the same positions as were covered by Act 320, Session Laws of Hawaii 1951.

(2) If an officer or employee was in service on or after February 6, 1953, he shall be paid in one lump sum on June 30, 1953, \$10.00 a month for each full month of service during the biennium, less any increase in compensation received during the biennium over the officer's or employee's rate of compensation on June 30, 1951, but not deducting the \$25.00 per month salary increase provided for by Act 322, Session Laws of Hawaii 1951.

(3) If an officer or employee was in service on or after February 6, 1953, he shall be paid the total compensation to which he would have been entitled during the biennium if the classification plan and pay schedule provided for by Act 320, Session Laws of Hawaii 1951, had taken effect during the biennium and had been retroactive to July 1, 1951, less the compensation he actually received during the biennium. The compensation to which the officer or employee would have been entitled if the said classification plan and pay schedule provided for by the said Act 320 had taken effect shall be determined by the schedule of position allocations to classes and class allocations to grades which was issued by the salary standardization board on February 5, 1953. Payment shall be made as follows, whether or not the officer or employee is in service on the date payment becomes due:

a. On or immediately after June 30, 1953, such amount as is due, either up to but not exceeding \$250.00 or the amount which would have been due if the individual had selected the option specified in subparagraph (1) of this paragraph, whichever amount is the greater;

b. On or immediately after June 30, 1954, such amount of the balance as remains due, up to but not exceeding \$250.00;

c. On or immediately after June 30, 1955, such amount of the balance as remains due, up to but not exceeding \$250.00; and

d. On or immediately after June 30, 1956, the balance remaining due.

2. In case any officer or employe shall have died before receiving payment under the provisions of this section, and section 5, the amount payable shall be paid directly to the surviving spouse; or if there is no surviving spouse, to the surviving child or children in equal shares; or if there is no surviving spouse or child, to the next of kin. If payment is to be made to the surviving spouse or child or children, such amount shall not constitute part of the estate of the deceased officer or employee and shall not be subject to probate or administration, but if payment is to be made to the next of kin, it shall be deemed part of the decedent's estate and shall be subject to probate or administration.

**SECTION 5. Special county provisions.** Each officer and employee of the counties (a) whose position was subject to chapter 3, Revised Laws of Hawaii 1945, as amended, during the biennium July 1, 1951 through June 30, 1953, and (b) who was in service during the biennium, including individuals whose employment was terminated either voluntarily or involuntarily during the biennium, and (c) whose position, for purposes of section 107 (1) enacted by section 2 of this Act, is assigned to a base grade in the Hawaiian compensation schedules to which it was not previously allocated or which is higher than that previously allocated, shall be paid by the county concerned, on or immediately after June 30, 1953, such sum as is necessary to pay such officer and employee the difference between the compensation actually received during said biennium and the compensation he would have received had he been at said grade under the Hawaiian compensation schedules for said biennium, computed without increments during said biennium. The amount so paid shall be deemed compensation received during said biennium for the purposes of subparagraphs (2) and (3) of paragraph 1 of section 4 of this Act.

**SECTION 6. Appropriations.** There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of \$4,250,000.00 for the following purposes:

(1) To discharge the obligations of the Territory under section 4 of this Act insofar as concerns officers and em-

ployees whose compensation is paid (a) from the general fund of the Territory, and (b) in whole or in part from federal funds, directly or indirectly, if and to the extent that the amount required to carry out the provisions of said section 4 cannot be obtained from the United States or from any special fund of the Territory. (Insofar as other officers and employees of the Territory are concerned, the obligations of the Territory hereby are required to be discharged from the funds from which the compensation of such persons regularly is paid.)

(2) To discharge the obligations of the counties under said section 4 insofar as concerns officers and employees whose compensation is paid from general funds of the counties or from special funds of the counties the moneys in which come from the counties' general funds.

(3) To be paid into the territorial retirement system, representing the payment in full of all obligations of the Territory and counties for their employer contributions in respect of the compensation for which appropriations are provided by subparagraphs (1) and (2) of this section.

The appropriation made by this section shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers of the Territory concerned, and to the several counties; in the case of the counties the moneys so allotted shall be paid into the county treasuries and held in special funds solely for the authorized purposes.

## VACATION AND SICK LEAVE

SECTION 7. Section 550 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting the following for the first paragraph thereof:

**"Sec. 550. Vacations of public officers and employees; exceptions.** With the exception of school teachers and school principals employed in the public schools of the Territory, the instructional staff of the University of Hawaii and members of the city and county fire department, all officers and employees in the service of the Territory or of the several counties shall be entitled to and granted a vacation with pay each calendar year, calculated as follows:

(1) one-half day for each full biweekly period of service in the case of officers and employees with less than fifteen years of service (except that for the last full biweekly period in the year there shall be accrued an additional two days),



(2) three-fourths day for each full biweekly period of service (except that for the last fully biweekly period in the year there shall be accrued an additional one and one-half days) in the case of officers and employees with fifteen or more years of service.

In determining years of service for the purpose of this section and section 552, there shall be included all service creditable under the provisions of chapter 15.

The vacation allowance shall be computed on the basis of biweekly periods beginning July 5, 1953, each period of two calendar weeks thereafter constituting a full biweekly period, but shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to employees as of December 31st of each year. No vacation allowance shall accrue to an employee for any biweekly period unless he shall have served his normal work week during such period, **provided** that vacation allowance shall accrue to an employee while on vacation, sick leave or other leave with pay.

An annual vacation, or any part thereof unused, shall be automatically accumulated for succeeding years, except that the total recorded accumulation shall in no event exceed sixty working days; **provided**, however, that not more than eight days a year may be accumulated by employees with less than fifteen years of service and not more than twelve days a year may be accumulated by employees with fifteen or more years of service. Whenever such accumulated vacation allowance, as recorded, shall exceed sixty working days, the employee shall automatically forfeit such excess.

The vacation shall be granted at such time as the head of the department may designate. Vacation shall be charged against accumulated vacation allowance at the rate of five working days per week; holidays shall not be charged as days of vacation. Except in the case of members of the city and county fire department, officers or employees working without a regular weekly holiday shall be entitled to and granted four days leave with pay for every twenty-eight days of service, which shall not be accumulated or considered as vacation." [L. 1915, c. 199, s. 1; R. L. 1925, s. 182; R. L. 1935, s. 103; am. L. 1943, c. 142, s. 1; R. L. 1945, s. 550; am. L. 1951, c. 326, s. 1; am. L. 1953, c. 278, s. 7.]

SECTION 8. The first paragraph of section 552 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

**"Sec. 552. Sick leaves; exceptions; rules and regulations.** (a) With the exception of school teachers and school principals employed in the public schools of the Territory and the instructional staff of the University of Hawaii, all officers and employees in the service of the Territory or of the several counties shall be entitled to and granted cumulative sick leave with pay at the rate of one-half day for each full biweekly period in the case of officers and employees with less than fifteen years of service (except that for the last full biweekly period in the year there shall be accrued an additional two days), and in the case of officers and employees with fifteen or more years of service, three-fourths day for each full biweekly period (except that for the last full biweekly period in the year there shall be accrued an additional one and one-half days). Such sick leave allowance shall be computed and accrued on the basis of biweekly periods and recorded and administered on a calendar year basis, as in the case of vacation allowance. No sick leave shall be allowed for the day immediately before or after a holiday, day-off or vacation unless the employee shall present to the department head a doctor's certificate showing that such absence was caused by illness or other physical incapacity. The total sick leave accumulation shall not exceed fifty-four working days. Additional sick leave with pay, in excess of that to which the officer or employee is entitled, may be granted with the written approval of the governor, mayor or chairman of the board of supervisors, as the case may be. The term 'employees' shall include casual, irregular, or sporadic employees, commonly designated as per diem employees." [L. 1925, c. 249, s. 1; am. L. 1931, c. 181, s. 2; am. L. 1932, 2d, c. 4, s. 2; am. L. 1933, c. 113, s. 2; R. L. 1935, s. 104; am. L. 1935, c. 140, s. 1; am. L. 1941, c. 329, ss. 1, 2; am. L. Sp. 1941, c. 25, s. 1; R. L. 1945, s. 552; am. L. 1947, c. 27, s. 1; am. L. 1951, c. 121, s. 1; am. L. 1953, c. 278, s. 8.]

SECTION 9. Any provisions of this or any other Act to the contrary notwithstanding: (1) the accumulated vacation allowance and cumulative sick leave of every officer and employee of the Territory and the several counties shall be calculated on the basis prescribed in sections 550 and 552 of the Revised Laws of Hawaii 1945, as they existed immediately prior to the effective date of this Act, and accrued and recorded as of the end of July 4, 1953, thereafter, all vacation allowance and sick leave shall be computed,

accrued and recorded in the manner provided in sections 7 and 8 of this Act; and (2) if any officer or employee who is in service on July 4, 1953 shall have in excess of sixty days of accumulated vacation allowance to his credit as of such date, he shall be permitted to continue to accumulate his vacation allowance to the extent permitted under the provisions of said section 550, as it existed immediately prior to the effective date of this Act; **provided**, however, that on January 1, 1956, he shall forfeit any accumulated vacation allowance in excess of sixty days.

## HOLIDAYS

**SECTION 10. Consolidation of certain holidays.** The territorial holidays falling on January 30th, February 12th and February 22nd are hereby consolidated into one holiday and shall be celebrated February 22nd, which day is hereby set apart as a territorial holiday to be known as Presidents' Day. The territorial holidays falling on May 30th and November 11th are hereby consolidated into one holiday and shall be celebrated May 30th, which day is hereby set apart as a territorial holiday to be known as Memorial Day. As so amended, the first and second paragraphs of section 21 of the Revised Laws of Hawaii 1945 shall read as follows:

**"Sec. 21. Holidays designated.** The following days of each year are set apart and established as territorial holidays, to wit:

The first day of January,

The twenty-second day of February, to be known as Presidents' Day,

The twenty-sixth day of March, to be known as Kuhio Day,

The Friday preceding Easter Sunday, known as Good Friday,

The thirtieth day of May, to be known as Memorial Day,

The eleventh day of June, to be known as Kamehameha Day,

The fourth of July,

The first Monday in September, known as Labor Day,

The twenty-fifth day of December, and all election days, both primary and general, in the county wherein the election is held;

And any day designated by proclamation by the President of the United States as a day of thanksgiving, fasting or religious observance, or designated by proc-

lamation by the governor of the Territory as a holiday, shall be a territorial holiday; **provided**, however, that when any of such holidays falls on a Sunday, the same may be, by proclamation of the governor, observed upon the following Monday." [L. 1896, c. 66, s. 1; am. L. 1903, c. 55, s. 1; am. L. 1911, c. 167, s. 1; am. L. 1915, c. 20, s. 1; am. L. 1919, c. 54, s. 1; am. L. 1923, c. 151, s. 1; am. L. 1933, c. 3, s. 1; R. L. 1925, s. 146; R. L. 1935, s. 21; am. L. 1941, c. 132, s. 1; R. L. 1945, s. 21; am. L. 1945, J. R. 8; am. L. 1949, J. R. 15; am. L. 1953, c. 278, s. 10.]

### VACANCIES IN OFFICE

SECTION 11. Chapter 11 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be numbered and to read as follows:

**"Sec. 481.01. Performance of the duties of a vacant office.** In the event of a vacancy in any office for which the governor has the power of appointment or nomination, the governor may designate some other officer or employee of the Territory to perform the duties of the vacant office until the office is filled; **provided**, that the authority derived from this section shall not continue for a longer period than sixty days after such vacancy occurs.

An officer or employee designated to perform the duties of a vacant office shall, so long as such authority continues, receive the compensation attached to the vacant office, or the compensation attached to his regular office or employment, whichever is the higher." [L. 1953, c. 278, s. 11.]

### DEPARTMENT OF PUBLIC INSTRUCTION

SECTION 12. Section 1759 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

**"Sec. 1759. Salary schedule.** A salary schedule is hereby established, which shall apply to all new and to all incumbent teachers, principals, vice principals and substitute teachers in the department. Said schedule shall contain the respective classes, with the respective monthly salary ratings for each class based upon years of experience or other qualifications, and be otherwise subject to the regulations set forth in this and the following section, and shall be as follows:

1. Teachers:

**SALARY STANDARDIZATION LAW**

Years of Experi- ence	CLASS I Non-Collegi- ate Certifi- cate Monthly Salary	CLASS II Collegiate Certificate Monthly Salary	CLASS III Professional Certificate Monthly Salary
1	\$245	\$250	\$275
2	250	255	280
3	255	260	285
4	260	265	290
5	265	275	295
6	270	285	305
7	275	295	315
8	280	305	325
9	285	315	335
10	290	325	345
11	295	335	355
12	305	345	365
13	315	355	375
14	325	365	385
15	335	375	395
16	345	385	405
17	355	...	...
18	365	...	...

2. Principals shall be paid what they would earn as teachers, plus the following monthly salary differentials:

Number of teachers under principal's supervision (figures being inclusive)	Differential
0-5	\$100
6-10	120
11-15	145
16-25	160
26-35	170
36-45	180
46-55	190
56-65	200
66-75	210
76-85	220
86-95	230
96-105	240
106-115	250
116-125 or more	260

3. Vice principals authorized by resolution of the commissioners shall be paid the above salary classification for teachers plus one-half of the principals' monthly salary differential.

4. Substitute teachers shall be paid per day as follows:

CLASS I  
Non-Collegiate  
Certificate  
\$11

CLASS II  
Collegiate  
Certificate  
\$12

CLASS III  
Professional  
Certificate  
\$13."

[L. 1911, c. 88, s. 1; am. L. 1917, c. 114, s. 1; am. L. 1919, c. 107, s. 1; am. L. 1921, c. 88, s. 1; am. L. 1917, c. 114, s. 1; am. L. 1919, c. 107, s. 1; am. L. 1921, c. 245, s. 1; am. L. 1923, c. 205, s. 1; R. L. 1925, s. 336; am. L. 1925, c. 232, s. 1; am. L. 1927, c. 248, s. 1; am. L. 1929, c. 105, s. 1; am. L. 1932, 2d, c. 57, s. 1; R. L. 1935, s. 770; am. 1941, c. 197, s. 1; am. L. Sp. 1941, c. 83, s. 2; R. L. 1945, s. 1759; am. L. 1951, c. 325, pt. of s. 2; am. L. 1953, c. 278, s. 12.]

SECTION 13. On and after September 1, 1953, all teachers in the employ of the department of public instruction shall be placed on the salary schedule prescribed in section 12. In determining initially the salary to be paid teachers the following rules and procedure shall govern:

(1) Incumbent teachers.

a. "Incumbent teachers" shall mean and include all teachers in the employ of or on leave from the department of public instruction as of August 31, 1953.

b. On September 1, 1953, each incumbent teacher in the employ of the department who is entitled to receive an annual salary increment under the provisions of any law or any rule or regulation of the department immediately effective before amendment by this Act, shall receive such increment.

c. Each teacher shall then (on September 1, 1953) be placed, regardless of years of experience, in the salary schedule prescribed herein within the appropriate class in the grade in which such teacher shall receive an increase of fifty dollars over the salary received on August 31, 1953, plus the increment provided in subparagraph b. If the appropriate class does not contain a salary grade in which a teacher can receive a salary increase of fifty dollars, such teacher shall be placed in the next higher salary grade of his appropriate class in the schedule prescribed in section 12.

(2) Teachers employed on and after September 1, 1953.

All teachers, other than incumbent teachers, who are employed by the department of public instruction on and after September 1, 1953, shall receive salaries prescribed herein on the basis of "class" and "years of experience".

Any teacher placed on the schedule prescribed in section 12 and not receiving the maximum rate in his appropriate

class shall thereafter have his salary increased by one increment on the next succeeding date or dates set by the department of public instruction for increases in salary and so on up to but not exceeding the maximum rate for his class.

**SECTION 14. Professional staff.** For the professional officers and employees of the department of public instruction who are not covered by the schedule in section 1759 of the Revised Laws of Hawaii 1945, the rates of compensation currently established by the commissioners of public instruction pursuant to section 1762 of the Revised Laws of Hawaii 1945 shall be increased by seven per centum on September 1, 1953.

#### UNIVERSITY OF HAWAII

**SECTION 15.** On September 1, 1953, the rates of compensation for members of the faculty of the University of Hawaii, currently established by the board of regents of the University pursuant to sections 1948 and 1950 of the Revised Laws of Hawaii 1945, shall be increased by seven per centum. As used in this section "members of the faculty" includes research workers, extension agents, and all personnel engaged in instructional work.

#### BONUS FOR PENSIONERS

**SECTION 16.** Every pension payable under the employees' retirement system of the Territory of Hawaii or payable under or pursuant to any law of the Territory, or by any county or independent public board or commission, shall be increased by a bonus for each month for the period commencing July 1, 1953 and ending June 30, 1955, any provision in any law to the contrary notwithstanding, as follows: twenty-five dollars (\$25.00) per month, **provided** that if the pension as increased by said bonus does not equal one hundred dollars (\$100.00) per month, the bonus shall be further increased by such sum, not in excess of ten dollars (\$10.00), as will bring the total of the pension and bonus to one hundred dollars (\$100.00) per month; **provided, further**, that where the dependents of a deceased pensioner are receiving pensions by reason of his death, the total only of all amounts paid to such dependents shall be so increased, and the increase herein provided for shall be shared by them in proportion to the respective amounts of pension receivable by them exclusive of this increase.

**SECTION 17.** No pension payable under the employees' retirement system shall be increased by any bonus for pensioners unless the beneficiary thereof, or the person for whose service the pension is payable, has had sufficient service to

qualify for the minimum service retirement allowance, and no funds appropriated in this Act or by any other Act shall be paid in violation of this provision; **provided**, however, that this provision shall not be construed to prohibit the payment of a bonus of not more than twenty-five dollars (\$25.00) per month to any person who was receiving a pensioner's bonus on July 1, 1951.

**SECTION 18.** The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized and directed to pay the bonus to pensioners under said system, the territorial auditor is hereby authorized and directed to pay the bonus to all territorial pensioners who are not under said system, and the appropriate officer of each county, and each independent board or commission hereby affected, is hereby authorized and directed to pay the bonus granted to pensioners whose pensions are payable by said respective counties, boards and commissions, all such payments to be made from allotments pursuant to section 19; and all such boards, commissions and officers are hereby directed to certify to the director of the bureau of the budget, promptly upon the enactment of this Act, the amounts required to meet such bonus payments to and including December 31, 1953, and to similarly certify the amounts required every six months, as directed by the bureau of the budget.

**SECTION 19.** There is hereby appropriated from the general revenues of the Territory the sum of \$1,620,000.00 to pay the bonus provided for by sections 16 and 17 of this Act. Such appropriation shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers required to make such payments, except where there is a specific provision for payment of the bonus from other funds, and in the case of the counties the moneys so allotted shall be paid into the county treasuries and held in special funds solely for such purpose.

### **SALARIES, CERTAIN COUNTY OFFICERS**

**SECTION 20.** Effective July 1, 1953, sections 6352, 6411, 6451, 6548, and 6549, Revised Laws of Hawaii 1945, as amended by Act 143 of the Session Laws of 1949 and Acts 221 and 243 of the Session Laws of 1951 are hereby further amended to read as follows:

**"Sec. 6352. Salaries of certain officers, Hawaii.** The salaries of the following fulltime officers of the county of Hawaii are hereby fixed and shall be payable monthly out of the county treasury at the following annual rates:



	Per Annum
Chairman and executive officer.....	\$10,000
Members of board of supervisors (each).....	2,580
County attorney .....	9,000
Auditor .....	8,500
Treasurer .....	8,000
Clerk .....	8,000
Chief of police.....	9,600
Fire chief .....	7,800.

[R. L. 1935, pt. of s. 2816; am. L. 1935, c. 14; am. L. 1939, c. 56; am. L. Sp. 1941, c. 95, s. 3; am. L. 1943, c. 62, s. 19; am. L. 1943, c. 70, ss. 1, 2; R. L. 1945, s. 6352; am. L. 1947, c. 209, s. 1; am. L. 1951, c. 221, s. 1; am. L. 1953, c. 278, s. 20.]

**Sec. 6411. Salaries of certain officers, Kauai.** The salaries of the following officers of the county of Kauai are hereby fixed and shall be paid monthly out of the county treasury at the following annual rates:

	Per Annum
County chairman and executive officer.....	\$10,000
Members of board of supervisors (each).....	2,580
County attorney .....	9,000
Auditor .....	8,500
Treasurer .....	8,000
Clerk .....	8,000
Chief of police.....	9,600
Fire chief .....	7,800.

[R. L. 1935, pt. of s. 2816; am. L. 1937, c. 101; am. L. 1941, c. 276; am. L. 1943, c. 64, s. 20; am. L. 1943, c. 118; R. L. 1945, s. 6411; am. L. 1947, c. 209, s. 2; am. L. 1951, c. 221, s. 2; am. L. 1953, c. 278, pt. of s. 20.]

**Sec. 6451. Salaries of certain officers, Maui.** The salaries of the following officers of the county of Maui are hereby fixed and shall be paid monthly out of the county treasury at the following annual rates:

	Per Annum
Chairman and executive officer of the board of supervisors.....	\$10,000
Members of the board of supervisors (each)....	2,580
County attorney .....	9,000
Auditor .....	8,500
Treasurer .....	8,000
Clerk .....	8,000
Chief of police.....	9,600
Fire chief .....	7,800.

[R. L. 1935, pt. of s. 2816; am. L. 1937, c. 56; am. L. 1939, c. 60, c. 104; am. L. Sp. 1941, c. 95, s. 1; am. L. 1947, c. 209, s. 3; am. L. 1951, c. 221, s. 3; am. L. 1953, c. 278, pt. of s. 20.]

**Sec. 6548. Salaries of certain officers.** The salaries of the following officers of the city and county are hereby fixed and shall be payable semi-monthly out of the city and county treasury at the follownig annual rates:

	Per Annum
Mayor .....	\$14,500
Members of the board of supervisors.....	3,780
Sheriff .....	9,000
City and county clerk.....	11,250
Auditor .....	11,250
Treasurer .....	11,250.

[L. 1907, c. 118, s. 39; R. L. 1925, s. 1762; am. L. 1927, c. 198, s. 1; am. L. 1929, c. 144, s. 1; am. L. 1931, c. 243, s. 1; L. 1932, 1st, c. 13, pt. of s. 1; am. L. 1932, 1st, c. 14, s. 1; R. L. 1935, s. 3046; am. L. 1935, c. 111, s. 1; am. L. 1937, c. 158; am. L. Sp. 1941, c. 95, s. 5; am. L. 1943, c. 147, s. 1; R. L. 1945, s. 6548; am. L. 1947, c. 210, s. 1; am. L. 1951, c. 243, s. 1; am. L. 1953, c. 278, pt. of s. 20.]

**Sec. 6549. Salaries of appointive officers.** The salaries of the following officers of the city and county are hereby fixed and shall be payable semi-monthly out of the city and county treasury at the following annual rates:

	Per Annum
City and county attorney.....	\$12,000
Public prosecutor .....	12,000
Controller .....	12,000
Chief of police.....	12,000
Fire chief .....	12,000.

The board of supervisors of the city and county of Honolulu shall, any other law to the contrary notwithstanding, have authority to fix the salary of the chief engineer, department of public works; **provided**, however, that the annual salary for such position shall not be less than nine thousand two hundred eighty dollars and **provided**, further, that such salary shall be fixed in an amount not exceeding that paid to the mayor." [L. 1943, c. 147, s. 2 and pt. of s. 3; am. L. 1949, c. 143, s. 1; am. L. 1953, c. 278, pt. of s. 20.]

**SECTION 21. Police and fire chiefs, exemption from classification.** From and after July 1, 1953, the positions of

chief of police and fire chief in each county are exempt from the provisions of chapter 3 of the Revised Laws of Hawaii 1945. Such officers shall have all of the benefits of sections 4, 5, and 6 of this Act, and for the purposes of section 5, clause (c), the chief of police and fire chief in each of the counties of Maui and Kauai shall be deemed to be assigned to the same grade in the Hawaiian compensation schedules as were the comparable positions in the county of Hawaii during the biennium 1951-1953.

### SALARIES, CERTAIN TERRITORIAL OFFICERS

SECTION 22. (a). Effective July 1, 1953, Title 1 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new chapter 3.01 to read as follows:

#### "CHAPTER 3.01. SALARIES, CERTAIN TERRITORIAL OFFICERS.

**Sec. 130. Salaries fixed.** The salaries of the following officers are hereby fixed at the following annual rates:

	Per Annum
Director of aeronautics.....	\$11,100
President, board of commissioners of agriculture and forestry.....	11,000
Attorney general .....	12,500
Assistant attorney general.....	11,250
Auditor .....	11,250
Deputy auditor .....	9,576
Director of the bureau of the budget.....	12,500
Director of personnel and classification.....	10,080
President, board of health.....	12,500
Director of public health.....	11,076
Director of institutions.....	11,500
Director of labor and industrial relations.....	10,080
Superintendent of public instruction.....	12,000
Commissioner of public lands.....	10,680
Director of public welfare.....	10,500
Superintendent of public works.....	12,000
Surveyor .....	10,680
Tax commissioner .....	11,000
Treasurer .....	11,000."

(b) Notwithstanding the provisions of subsection (a) of this section, in the event that Senate Bill 109 is enacted by the Twenty-seventh Legislature at the Regular Session of 1953, the salary of the director of the bureau of the budget shall be fixed at \$11,076 per annum, and the salary of the commissioner of finance shall be fixed at \$12,500 per annum.

In the event of the enactment of said Senate Bill 109, section 130, enacted by subsection (a), shall be deemed amended accordingly.

(c) From and after July 1, 1953, the positions the salaries of which are fixed by section 130, enacted by section (a), are exempt from the provisions of chapter 3 of the Revised Laws of Hawaii 1945, except as provided by section 4269 of the Revised Laws of Hawaii 1945 as to the director of labor and industrial relations. [L. 1953, c. 278, s. 22.]

## MISCELLANEOUS PROVISIONS

SECTION 23. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, for the biennium ending June 30, 1955, the sum of \$6,050,000.00 to cover the increased compensation of territorial officers and employees whose compensation is paid from the general fund of the Territory (including the department of public instruction and the University of Hawaii), and the employer contributions to the employees' retirement system in respect of such increased compensation.

The appropriation made by this section shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers of the Territory concerned.

SECTION 24. In case any provision of this Act relating to the deferred payment of compensation shall cause the Territory to lose, or present the possibility that the Territory will lose, federal aid funds which could be obtained or used if payment were not deferred, the governor shall have authority to waive such provision to the extent necessary to obtain or use the maximum amount of federal aid funds.

SECTION 25. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 26. Except as otherwise provided, this Act shall take effect upon its approval.

(Approved June 16, 1953.) H. B. 1188, Act 278.

## Chapter 6: ELECTIONS: GENERAL.

- § 177. **Official Register.** Am. L. 1949, Act 309 [A-4].
- § 178. **Application of Elector.** Am. L. 1947, Act 151 [A-5].
- § 195. **Number, appointment, vacancies.** Am. L. 1949, Act 399 [A-5]; Am. Sp. L. 1949, Act 12 [A-3] rewritten p. 4.
- § 197. **Clerk.** Am. L. 1949, Act 399 [A-5].

## Series A-6: ACT 188

An Act Amending Section 197 of the Revised Laws of Hawaii 1945, as Amended, Relating to Election Clerks.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 197** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended as follows:

1. Immediately following the third paragraph of section 197, add a new paragraph to read as follows:

“In precincts of more than eight hundred registered electors where no additional voting units have been established, the governor may authorize the appointment of additional clerks.”

2. At the end of section 197 add a paragraph to read as follows:

“No candidate for any elective office shall be eligible to serve as a clerk in the same election in which he is a candidate; no candidate who failed of nomination in the Primary Election shall be eligible to serve as a clerk in the General Election next following.” [L. 1923, c. 29, s. 1; R. L. 1925, s. 88; R. L. 1935, s. 7666; am. L. 1943, c. 128, s. 1; R. L. 1945, s. 197; am. L. 1945, c. 81, s. 1 and c. 244, s. 2; am. L. 1949, c. 399, s. 1 (c); am. L. 1953, c. 188, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 5, 1953.) H. B. 792, Act 188.

§ 200.01. **Voting booths or units.** Am. L. 1951, Act 309 [A-4].

§ 217. **Opening polls.** Am. L. 1947, Act 159 [A-8], rewritten p. 10.

§ 225. **Disabled voter.** Am. L. 1947, Act 155 [A-9].

§ 227. **Absentee voters.** Am. L. 1951, Act 263 [A-5].

§ 229.01. **Persons confined at home, etc.** NEW, L. 1947, Act 242 [A-10].

**Series A-7: ACT 207**

An Act Amending Chapter 6, as Amended, of the Revised Laws of Hawaii 1945 by Adding Thereto a New Section Relating to District Magistrates in Absentee Voting.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 6, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended by adding thereto a new section to read as follows:

**"Sec. 232.01. District magistrates, substitution of.**

Whenever a district magistrate who is required to perform certain duties pertaining to absentee voting which is authorized under the provisions of sections 227 - 232, finds that it would be inconvenient for him to perform those duties, and will so advise the county clerk within a reasonable time before the election, the county clerk is hereby empowered to designate any registered voter or any employee of his office to substitute for such district magistrate if the county clerk feels that the substitution should be made." [L. 1953, c. 207, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved June 8, 1953.) **H. B. 789, Act 207.**

**Series A-8: ACT 181**

An Act Amending the Revised Laws of Hawaii 1945, by Adding a New Section Thereto, Relating to the Definition of Votes Cast.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby enacted and added to the Revised Laws of Hawaii 1945, a new section to read as follows:

**"Sec. 234.01. Votes cast, definition of.** The term 'Votes Cast' for election purposes, shall mean:

1. Any ballot which is presented by any voter to the inspector of election in charge of the ballot box, to be deposited in the ballot box, regardless of whether it be a blank ballot or a ballot later rejected for any reason.

2. Any ballot which is returned, as having been voted under the provisions of sections 227 to 233, inclusive, as amended, and regardless further of whether it be a blank ballot or a ballot later rejected for any reason." [L. 1953, c. 181, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved June 4, 1953.) **H. B. 867, Act 181.**

**Series A-9: ACT 180**

An Act Amending Section 235 of the Revised Laws of Hawaii 1945, Relating to the Order of Counting the Ballots.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 235 of the Revised Laws of Hawaii 1945, is hereby amended by amending the first sentence of the last paragraph thereof to read as follows:

"The ballots shall be counted in the following order: delegate to congress, senators, representatives, (it being understood that the vote for candidates shall be tabulated in the order designated herein, but that one ballot shall be finished as to all the candidates thereon before tabulating a second and subsequent ballots), mayor or chairman, board of supervisors, attorney (except in the city and county of Honolulu where the attorney holds an appointive office), auditor, clerk, sheriff, and treasurer, (it being understood that the vote for candidates shall be tabulated in the order designated herein, but that one ballot shall be finished as to all the candidates thereon before tabulating a second and subsequent ballots)." [C. L. p. 820, s. 106; R. L. 1925, s. 122, am. L. 1929, c. 177, s. 16; am. imp. L. 1932, 1st c. 13, s. 3; R. L. 1935, s. 7698; R. L. 1945, s. 235; am. L. 1953, c. 180, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved June 4, 1953.) **H. B. 790, Act 180.**

**Series A-10: ACT 238**

An Act Amending Chapter 6, as Amended, of the Revised Laws of Hawaii 1945 by Adding thereto a New Section Relating to Tally Sheets Used in the Elections.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 6, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by adding thereto the following section:

"**Sec. 240.01. Tally sheets.** The tally sheet used in counting the ballots shall be attached to the original copy of result of votes cast and mailed or delivered in a sealed envelope provided for the purpose to the following officials:

In a combined primary election: The tally sheets used in counting the territorial and the county ballots shall both be transmitted to the respective county clerks.

In a combined general election: The tally sheets used in counting the territorial ballots shall be transmitted to the secretary of the Territory.

The tally sheets used in counting the county ballots shall be transmitted to the respective county clerks.

In a separate primary, general or special election: The tally sheets shall be transmitted to the respective county clerks if it be a county election.

The tally sheets shall be transmitted to the secretary of the Territory if it be a territorial election.

In the event that there be a difference in the votes cast for any candidate between the tally sheets and the result of votes cast, the tally sheets shall control." [L. 1953, c. 238, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved June 12, 1953.) **H. B. 791, Act 238.**

### Series A-11: ACT 233

An Act to Amend Sections 241, 6226, 6227, 6229, 6230, 6565, 6566 and 6567 of the Revised Laws of Hawaii 1945, Relating to Original Jurisdiction of Circuit Courts Over Election Contests.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 6226** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "supreme court" in the fourth line thereof and substituting therefor the words "circuit court". [L. 1905, c. 39, s. 40; R. L. 1925, s. 1628; R. L. 1935, s. 2826; R. L. 1945, s. 6226; am. L. 1953, c. 233, s. 1.]

SECTION 2. **Section 6227** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting the words "supreme court" in the third line thereof and substituting in their places the words "circuit court of the circuit in which the petitioner or petitioners reside".

(b) By deleting the words "supreme court" in the fifth line thereof and substituting in their places the words "circuit court of the circuit in which the petitioner or petitioners reside".

(c) By deleting the words "supreme court" in the ninth line thereof and substituting in their places the words "circuit court".

(d) By amending the fourth paragraph thereof to read as follows:



"Such petition shall be heard by the circuit court in which the petition was filed as soon as it reasonably may be heard." [L. 1905, c. 39, ss. 41-44; R. L. 1925, ss. 1629-1632; R. L. 1935, s. 2827; R. L. 1945, s. 6227; am. L. 1953, c. 233, s. 2.]

SECTION 3. **Section 6229** of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof a sentence to read as follows:

"The supreme court, upon determination of any appeal from such judgment, may enter any judgment the circuit court would be authorized to enter." [L. 1905, c. 39, s. 46; R. L. 1925, s. 1634; R. L. 1935, s. 2829; R. L. 1945, s. 6229; am. L. 1953, c. 233, s. 3.]

SECTION 4. **Section 6230** of the Revised Laws of Hawaii 1945 is hereby amended by amending the second paragraph thereof to read as follows:

"The judgment of the court concerning any question properly involved in any petition and proceeding shall be final and binding upon all parties unless an appeal is prosecuted to the supreme court within ten days after the entry of the judgment in the manner provided by law for civil appeals to the supreme court from circuit courts. An appeal shall stay the judgment of the circuit court." [L. 1905, c. 39, ss. 47-50; R. L. 1925, ss. 1635-1638; R. L. 1935, s. 2830; R. L. 1945, s. 6230; am. L. 1953, c. 233, s. 4.]

SECTION 5. **Section 6565** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "supreme court" as they appear in the fourth and fifth lines and substituting in place thereof the words "circuit court". [L. 1907, c. 118, s. 56; R. L. 1925, s. 1773; R. L. 1935, s. 3056; R. L. 1945, s. 6565; am. L. 1953, c. 233, s. 5.]

SECTION 6. **Section 6566** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting the words "supreme court" in the third line and substituting in place thereof the words "circuit court of the first judicial circuit".

(b) By deleting the words "the supreme court" as they appear in the fifth and ninth lines and substituting in place thereof the words "such circuit court". [L. 1907, c. 118, s. 57, 58, 59; R. L. 1925, ss. 1774-1776; R. L. 1935, s. 3057; R. L. 1945, s. 6566; am. L. 1953, c. 233, s. 6.]

SECTION 7. **Section 6567** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting the first sentence and substituting in place thereof the following:

"Such petition shall be heard by the circuit court of the first judicial circuit as soon as it reasonably may be heard."

(b) By adding a new paragraph thereto to read as follows:

"The decision of the circuit court concerning any question properly involved in any petition and proceeding shall be final and binding upon all parties unless an appeal is prosecuted to the supreme court within ten days after the decision of the circuit court in the manner provided by law for civil appeals to the supreme court from the circuit court, or in such other manner as may be provided by law." [L. 1907, c. 118, ss. 60-62; R. L. 1925, ss. 1777-1779; R. L. 1935, s. 3058; R. L. 1945, s. 6567; am. L. 1953, c. 233, s. 7.]

SECTION 8. **Section 241** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending the ninth line thereof to read as follows: "list of voters, tally sheets, and the copies of the result of the election in this chapter directed"

(b) By deleting the second sentence in the second paragraph and substituting the following:

"Such packet shall not be opened or examined, including the opening for the purpose of extracting any record which may have been erroneously placed in the packet by the inspectors of election, except in the presence of a judge of a circuit court, and after such examination or extraction of any record erroneously placed in the packet, the packet shall be immediately thereafter resealed in the presence of such judge of a circuit court." [C. L. p. 822, s. 112; am. Org. Act. s. 64; R. L. 1925, s. 128; R. L. 1935, s. 7704; am. L. 1943, c. 117, s. 1 and c. 161, s. 1; R. L. 1945, s. 241; am. L. 1953, c. 233, s. 8.]

SECTION 9. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **H. B. 514, Act 233.**

§ 247. **Expenses.** Am. L. 1951, Act 308 [A-6].

§§ 249, 250. **Expense statements.** Am. L. 1947, Act 159 [A-8].

#### **VOTING MACHINES.**

§§ 251.01-.22. **Voting machines.** NEW, L. 1949, Act 318 [A-7].

### **Series A-12: ACT 275**

An Act to Amend Act 318, Session Laws of Hawaii 1949, to Provide for the Use of Voting Machines in All Territorial, County and City and County Elections, and Making an Appropriation Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 6, of the Revised Laws of Hawaii 1945, as amended by Act 318, Session Laws of Hawaii 1949, is hereby further amended; such amendments are to read as follows:

1. The third paragraph of **section 251.01** is hereby deleted and a new paragraph substituted therefor, which paragraph shall read as follows:

“The term ‘clerk’ refers to the appropriate clerk of any county or of the city and county of Honolulu, except where it obviously refers to a clerk of election or clerk of the voting machine board.” [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, s. 1 (1).]

2. The fourth line of **section 251.02** is hereby amended to insert “, county” between the words “territorial” and “and”. [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, s. 1 (2).]

3. The first paragraph of section 251.03 is hereby amended to read as follows:

“**Sec. 251.03. Voting machine board; duties; employees.** There is hereby established a voting machine board for the Territory consisting of the secretary of Hawaii and the respective clerks of the counties of Maui, Hawaii and Kauai and of the city and county of Honolulu, all of whom shall be ex officio members of the voting machine board. The members shall serve without additional compensation, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties.” [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, s. 1 (3).]

4. The first sentence of **section 251.05** is hereby amended to read as follows:

“The board may adopt for use at elections any kind of voting machine that meets the requirements of section 251.04 and thereupon voting machines of the same kind may be used at any and all elections in the Territory, county or city and county, for voting, registering and counting votes cast at such elections.” [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, s. 1 (4).]

SECTION 2. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of \$50,000.00 for the purchase of voting machines. Said money shall be expendable upon warrants issued by the auditor of the Territory based upon vouchers approved by the chairman of the voting machine board of the Territory.

The machines purchased with said funds shall be installed in such precincts within the Territory, county and city and county, as may be determined by said board, but shall not be installed in any precinct having less than 800 registered voters. [L. 1953, c. 275, s. 2.]

SECTION 3. The expenditures of the funds appropriated by this Act shall be excepted from the provisions of chapter 9 of the Revised Laws of Hawaii 1945, as amended. [L. 1953, c. 275, s. 3.]

SECTION 4. This Act shall take effect upon approval.

(Approved June 15, 1953.) S. B. 652, Act 275.

§§ 251.01, 251.02, 251.03 and 251.05 as rewritten read:

"Sec. 251.01. **Definitions.** The following terms as used in this subtitle, unless a different meaning is plainly required by the context, shall have the following meaning:

The word 'ballot', except when reference is made to an irregular ballot, means that portion of the cardboard or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a question with the word 'Yes' for voting for any question, and the word 'No' for voting against any question.

The term 'clerk' refers to the appropriate clerk of any county or of the city and county of Honolulu, except where it obviously refers to a clerk of election or clerk of the voting machine board.

The term 'question' means any proposition or other question submitted to the voters at any election.

The term 'official ballot' means the printed strips of cardboard or other material containing the names of candidates nominated, and a statement of questions or propositions submitted. The list of offices and candidates appearing on the front of a voting machine shall be deemed an official ballot.

The term 'irregular ballot' means a vote cast for a person whose name does not appear on the ballot.

The term 'protective counter' means a separate counter built into the voting machine which cannot be reset, which records the total movement or movements of the operating lever.

The term 'board' means the voting machine board provided for by section 251.03.

The term 'election officers' means the inspectors of elections.

The term 'secretary' refers to the secretary of Hawaii.

The term 'watchers' means the election observers provided for by section 251.10.

References to the political affiliation of candidates shall be construed to include their designation as nonpartisans. [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, pt. of s. 1.]

"Sec. 251.02. **Voting machines authorized.** Subject to the provisions of this subtitle, voting machines which shall have been approved by the board are authorized for use in all territorial, county and city and county elections, whether a general, special or primary election. [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, pt. of s. 1.]

"Sec. 251.03. **Voting machine board; duties; employees.** There is hereby established a voting machine board for the Territory consisting of the secretary of Hawaii and the respective clerks of the counties of Maui, Hawaii and Kauai and of the city and county of

Honolulu, all of whom shall be ex officio members of the voting machine board. The members shall serve without additional compensation, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties.

The board shall be responsible for the selection of voting machines and for the use of such machines in accordance with the provisions of this subtitle and any other laws applicable to the use of voting machines.

The board may employ such technicians, clerks and other assistants as it may find necessary, none of whom shall be subject to the civil service or classification laws of the Territory or be required to become members of the employees' retirement system. [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, pt. of s. 1.]

**"Sec. 251.05. Adoption of voting machine.** The board may adopt for use at elections any kind of voting machine that meets the requirements of section 251.04 and thereupon voting machines of the same kind may be used at any and all elections in the Territory, county or city and county, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may, at the discretion of the board, be adopted for different precincts within the same district. [L. 1949, c. 318, pt. of s. 1; am. L. 1953, c. 275, pt. of s. 1.]

## Chapter 7. ELECTIONS: PRIMARY.

§ 265. **Nomination papers.** Am. L. 1947, Act 152 [A-11].

§§ 270, 273, 275, 276. **Closed primary.** Am. L. 1949, Act 51 [A-8], rewritten pp. 21-23.

§ 284. **Party represented by whom.** Am. L. 1951, Act 310 [A-7].

## Chapter 8. EMINENT DOMAIN.

§ 300.01. **Definitions.** NEW, Am. L. 1951, Act 12 [A-8].

§ 301. **Taking private property for public use.** Am. L. 1951, Act 12 [A-8].

### Series A-13: ACT 108

An Act Relating to Agreements by the Territory or a County to Acquire Privately Owned Real Property for Public Use.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 301.01]. **SECTION 1. [Entry upon private property by agreement].** In the event the Territory or a county thereof enters upon privately owned real property by authority of an agreement to acquire the real property either by voluntary action of the parties or by condemnation, the Territory or county is required to: (1) reduce the agreement in writing; (2) file the executed written agreement promptly in the bureau of conveyances; and (3) complete its part of the agreement, including payment in full of any money, within the period of two years immediately succeeding the date upon which the agreement is filed. If the Territory or county does

not so complete its part of the agreement, the Territory or county shall pay to the property owner, in addition to the sum due, interest of six percent per annum on the sum due commencing with the end of said term of two years, and such property owner is authorized to bring suit against the Territory or any county to recover such sum together with interest. [L. 1953, c. 108, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 19, 1953.) H. B. 737, Act 108.

§ 302. **Right of eminent domain.** Am. L. 1951, Act 12 [A-8].

§ 303. **Fee simple or lesser estate may be acquired.** Am. L. 1951, Act 12 [A-8].

§ 304. **What property may be taken.** Am. L. 1951, Act 12 [A-8].

§ 304.01. **Superior public use.** NEW, L. 1951, Act 12 [A-8].

§ 305. **Entering and surveying land.** Am. L. 1951, Act 12 [A-8].

§ 306. **Circuit court, jurisdiction.** Am. L. 1947, Act 200 [A-12], rewritten p. 15.

§ 308. **Exercise of power by county.** Am. L. 1951, Act 12 [A-8].

§ 309. **Plaintiff.** Am. L. 1951, Act 12 [A-8].

#### Series A-14: ACT 147

An Act to Authorize Joint Proceedings, Or the Consolidation of Proceedings, in Eminent Domain By Various Governmental Divisions, Agencies and/or Instrumentalities for Acquisition of the Same Or Contiguous Or Related Property.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 310.01]. SECTION 1. [Definition]. As used in this Act, the term "governmental agency" includes the Territory of Hawaii, and any county, and any department, division, board, commission, public corporation or other agency or instrumentality of the Territory or of any county. [L. 1953, c. 147, s. 1.]

[Sec. 310.02]. SECTION 2. [Two or more parcels to be acquired by two or more government agencies.] Whenever two or more parcels of real property, or different interests in the same parcel of real property, and/or improvements on real property and/or personal property in connection therewith, are to be acquired by eminent domain proceedings by two or more governmental agencies, and such properties to be so acquired are contiguous or are so interrelated that the taking of one of such properties or interests by one such agency and/or the improvement contemplated in connection with such taking may affect the amount of the award which may be adjudged for the other or others of such properties,

or vice versa, proceedings for such taking may be consolidated and/or such taking may be effected in one action brought in the name of one or more of the governmental agencies concerned in such taking pursuant to an agreement between such agencies, and in such case the awards, when made, shall be apportioned in such manner as shall have been or may be agreed upon between such agencies, or, if not determined by such agreement, then such apportionment shall be made by the court in such manner as it shall deem equitable, based upon the evidence given in such action or upon the same and such additional evidence as may be necessary or proper to determine such apportionment. [L. 1953, c. 147, s. 2.]

[Sec. 301.03]. SECTION 3. [Agreement between government agencies]. Notwithstanding any other provision of law to the contrary, any governmental agency having by law the power to acquire any such properties by the exercise of the power of eminent domain, may enter into agreements with any other governmental agency or agencies to effect such consolidation or to join in one action for the acquisition of such properties as hereinabove provided. [L. 1953, c. 147, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved May 29, 1953.) S. B. 689, Act 147.

§ 314. Damages assessed how. Am. L. 1947, Act 200 [A-12], rewritten pp. 15, 16.

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### Series A-15: ACT 269

#### An Act Relating to Eminent Domain.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That section 314, Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By amending the phrase following the second semicolon to read as follows:

“and also how much the portion not sought to be condemned will be specially benefited, if at all, by the construction of the improvement proposed by the plaintiff;”

(b) By changing the period at the end of section 314 to a semicolon and adding thereto the following:

“**Provided**, further, that in case said condemnation shall be for the purpose of widening or realigning any existing highway or other public road, the owner of the property condemned shall be entitled to full compensation for the property actually taken and special benefits shall be

considered only in so far as the value of such benefits shall not exceed the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned and the construction of the improvements in the manner proposed by the plaintiff, i. e., if the special benefits shall be equal to such severance damages the owner of the parcel shall be allowed no compensation except the value of the portion taken but if the special benefits shall be less than such severance damages the former shall be deducted from the latter and the remainder shall be the only damages allowed in addition to the value of the land taken." [L. 1896, c. 45, s. 13; am. L. 1919, c. 63, s. 2; R. L. 1925, s. 821; R. L. 1935, s. 63; am. L. 1945, s. 314; am. L. 1947, c. 200, s. 1 (c); am. L. 1953, c. 269, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by Section 2 of the said Revised Laws.

(Approved June 15, 1953.) H. B. 1020, Act 269.

§ 314 as so amended reads:

**Sec. 314. Damages assessed, how.** In fixing the compensation or damages to be paid for the condemnation of any property, the value of the property sought to be condemned with all improvements thereon shall be assessed, and if any of the improvements are separately owned, the value thereof shall be separately assessed; and if the property sought to be condemned constitutes only a portion of a larger tract, the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the plaintiff shall also be assessed; and also how much the portion not sought to be condemned will be specially benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the amount of compensation assessed for the property taken, and for damages by reason of its severance from another portion of the same tract, then the owner shall be allowed no compensation, but if the benefits shall be less than the amount so assessed as damages or compensation, then the former shall be deducted from the latter and the remainder shall be the amount awarded as such compensation or damages; **provided**, however, that, in case of the exercise of the power of eminent domain by the city and county of Honolulu in furtherance of any governmental power granted under chapter 129, the amount of damages or compensation assessed or awarded or agreed upon in any compromise approved by motion of the board of supervisors shall in no case be construed as limiting or affecting the power of the board to distribute any portion of such cost upon any property found to be benefited thereby proportioned as provided by law in the exercise of their judgment whether under an improvement district or frontage improvement created before or after the acquisition of any such land; **provided**, further, that in case said condemnation shall



be for the purpose of widening or realigning any existing highway or other public road, the owner of the property condemned shall be entitled to full compensation for the property actually taken and special benefits shall be considered only in so far as the value of such benefits shall not exceed the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned and the construction of the improvements in the manner proposed by the plaintiff, i. e., if the special benefits shall be equal to such severance damages the owner of the parcel shall be allowed no compensation except the value of the portion taken but if the special benefits shall be less than such severance damages the former shall be deducted from the latter and the remainder shall be the only damages allowed in addition to the value of the land taken. [L. 1896, c. 45, s. 13; am. L. 1919, c. 63, s. 2; R. L. 1925, s. 821, R. L. 1935, s. 63; am. L. 1945, s. 314; am. L. 1947, c. 200, s. 1 (c); am. L. 1953, c. 269, s. 1.]

§ 316. **Payment of judgment, penalties.** Am. L. 1951, Act 12 [A-8], rewritten p. 55.

§ 318. **Defendant allowed damages upon abandonment or dismissal.** Am. L. 1951, Act 12 [A-8], rewritten p. 56.

§ 319. **Possession pending action.** Am. L. 1951, Act 12 [A-8].

§§ 321, 322, 325. **Repealed.** L. 1951, Act 12 [A-8].

## Chapter 8.01. SPECIAL PROCEEDINGS RELATING TO PUBLIC PROPERTY.

§§ 330-333. **Special proceedings relating to public property.** NEW, L. 1949, Act 377 [A-9].

## Chapter 9. EXPENDITURE OF PUBLIC MONEY.

§ 351. **Expenditure of public moneys.** Am. L. 1947, Act 18 [A-13]; Am. (first two paragraphs) L. 1951, Act 227 [A-9], rewritten pp. 62, 63; Am. (third paragraph) L. 1951, Act 78 [A-10], balance rewritten p. 64.

§ 352. **Contracts: security; bids and conditions attending.** Am. (first paragraph) L. 1945, Act 147 [A-9].

§ 358. **Only citizens employed, exceptions.** Am. L. 1951, Act 44 [A-11], rewritten p. 65.

§ 359. **Eight hour day on public work.** Am. L. 1951, Act 139 [A-12].

### Series A-16: ACT 96

An Act Relating to Hours of Labor and Computation of Wages on Public Work of the Territory or Any Political Subdivision Thereof and Amending Chapter 9 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Expenditure of Public Money.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 359 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

**"Sec. 359.** (a) No laborer or mechanic employed by any contractor or subcontractor directly at the site of any public work of the Territory or any political subdivision thereof which is prosecuted under any contract executed on or after July 1, 1953, shall be required or permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week unless he receives compensation for all hours worked in excess of such daily hours or in excess of such weekly hours at a rate not less than one and one-half times his basic hourly rate of pay.

Such overtime compensation shall be computed on a daily basis or on a weekly basis, whichever method of computation yields the greater amount of overtime compensation. In no event shall this section be deemed to require payment of both daily and weekly overtime compensation on account of the same hours worked.

(b) As used in this section the term 'basic hourly rate' shall mean the hourly rate paid to such laborer or mechanic pursuant to an individual employment agreement, collective bargaining agreement or understanding as compensation for work actually performed during non-overtime hours. Said hourly rate shall not be less than the minimum hourly rate required by applicable law. The term 'basic hourly rate' shall not, however, include—

(1) sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency;

(2) payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the contractor or subcontractor to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by a laborer or mechanic in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to a laborer or mechanic which are not made as compensation for his hours of employment;

(3) the cost to an employer or the value to a laborer or mechanic for board, lodging or other facilities furnished to him; or payments made to him or on his behalf for such board, lodging or other facilities;

(4) sums paid in recognition of services performed during a given period if the fact that payment is to be

made and the amount of the payment is determined at the sole discretion of the contractor or subcontractor at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the laborer or mechanic to expect such payments regularly;

(5) contributions irrevocably made by a contractor or subcontractor to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for the laborer or mechanic;

(6) extra compensation provided by a premium rate paid for certain hours worked by the laborer or mechanic in any day or work week because such hours are hours worked in excess of eight in a day or forty in a work week or in excess of his normal working hours or regular working hours, as the case may be;

(7) extra compensation provided by a premium rate paid for work by the laborer or mechanic on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in nonovertime hours on other days; or

(8) extra compensation provided by a premium rate paid to the laborer or mechanic, in pursuance of an applicable individual employment agreement, collective bargaining agreement or understanding for work outside of the hours established in good faith by the agreement or understanding as the basic, normal, or regular work day (not exceeding eight hours) or work week (not exceeding forty hours), where such premium rate is not less than one and one-half times the rate established in good faith by the agreement or understanding for like work performed during such work day or work week.

(c) No contractor or subcontractor shall be deemed to have violated this section by employing any such laborer or mechanic in excess of eight hours in any day or forty hours in any week if, pursuant to an individual agreement, collective bargaining agreement or understanding arrived at before performance of the work, the amount paid for the number of hours worked by him in excess thereof—

(1) in the case of a laborer or mechanic employed at piece rates, is computed at piece rates not less than one and one-half times the bona fide piece rates applicable to

the same work when performed during nonovertime hours; or

(2) in the case of a laborer or mechanic performing two or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half times such bona fide rates applicable to the same work when performed during non-overtime hours;

and if (i) the laborer's or mechanic's average hourly earnings for the work week exclusive of payments described in paragraphs (1) through (8) of subsection (b) are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the basic hourly rate.

(d) Extra compensation paid as described in paragraphs (6), (7) and (8) of subsection (b) shall be creditable toward overtime compensation payable pursuant to this section.

(e) This section shall not be applicable to any laborer or mechanic who is employed as a supervisor. The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action.

(f) Any contractor or subcontractor who violates the provisions of this section shall be liable to the laborer or mechanic affected in the amount of his unpaid overtime compensation and in case of willful violation in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more laborers or mechanics for and in behalf of himself or themselves and other laborers or mechanics similarly situated. No laborer or mechanic shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, if such plaintiff or plaintiffs shall prevail, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(g) At the request of any laborer or mechanic paid less than the amount to which he is entitled under this section, the director of labor and industrial relations may take an assignment in trust for the assigning laborer or mechanic of the full amount to which he is entitled under this section and may bring legal action necessary to collect such claim and the contractor or subcontractor shall be required to pay the cost and such reasonable attorney's fees as may be allowed by the court if the director shall prevail. The director shall not be required to pay the filing fee, or other costs, in connection with such action. The director, in case of suit, shall have power to join various claimants against the same contractor or subcontractor in one cause of action.

(h) Any action to enforce the liability created by this section must be commenced within two years after the cause of action accrued and not after.

(i) For purposes of this section, an action shall be considered to be commenced on the date when the complaint is filed; except that in the case of a collective or class action it shall be considered to be commenced in the case of any individual claimant—

(1) on the date when the complaint is filed, if he is specifically named as a party plaintiff in the complaint and his written consent to become a party plaintiff is filed on such date in the court in which the action is brought; or

(2) if such written consent was not so filed or if his name did not so appear—on the subsequent date on which such written consent is filed in the court in which the action was commenced.

(j) The provisions of this section shall not in any way repeal, modify or affect any provisions of chapter 75. Overtime compensation paid under this section shall, however, be creditable toward overtime compensation payable under said chapter.

(k) (1) The director is authorized and it shall be his duty to enforce the provisions of this section.

(2) Every contractor or subcontractor shall keep a record of the name, address and occupation of each laborer and mechanic, of the amount paid each pay period to each such employee, of the hours worked each day and each work week by each such employee, and of such other information and for such periods of time as the commission of labor and industrial relations may by regulation prescribe. The director or his authorized representative shall for the purpose of examination have ac-

cess to and the right to copy from such records. Every contractor or subcontractor shall furnish to the director or his authorized representative such information relating to the employment of workers and in such manner as the commission may prescribe.

(3) The commission may prescribe such rules and regulations as may be necessary for carrying out the purposes and provisions of this section. When approved by the governor and promulgated and filed in accordance with sections 466 and 476, inclusive, such rules and regulations shall have the force and effect of law.

(1) Any contractor or subcontractor who wilfully hinders or delays the director or his authorized representative in the performance of his duties in the enforcement of this section; or who wilfully refuses to admit the director or his authorized representative to any place of employment, or who fails to keep or who falsifies any record required under the provisions of paragraph (2) or who refuses to make such records accessible or to give information required for the proper enforcement of this section, upon demand, to the director or his authorized representative shall upon conviction thereof be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

(m) In the event any such work performed in excess of eight hours in any day or forty hours in any one week or on a territorial holiday requires inspectional service by the Territory or any political subdivision thereof, such service shall be furnished by the Territory or such political subdivision, as the case may be, and in such event it shall be lawful, notwithstanding any other provisions of law to the contrary for the Territory or any political subdivision thereof to alter the normal working hours of such public employees as may be necessary for such purpose and to pay such public employees for all hours worked in excess of eight hours per day and forty hours in any one week or on a territorial holiday." [L. 1903, c. 37, s. 2; am. L. 1907, c. 11, s. 1; R. L. 1925, s. 175; am. L. 1925, c. 44, s. 1; am. L. 1933, c. 86, s. 1; R. L. 1935, s. 89; am. L. Sp. 1941, c. 46, s. 2; R. L. 1945, s. 359; am. L. 1951, c. 139, s. 1; am. L. 1953, c. 96, s. 1.]

SECTION 2. Section 360 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 360. Stipulation in contract.** A stipulation that no laborer or mechanic employed upon any public work

in the employ of the contractor or subcontractor shall be required to work more than eight hours in any one day or forty hours in any one week except as set forth in section 359, and that no mechanic or laborer other than a citizen of the United States and of the Territory or eligible to become such a citizen, except as set forth in section 358, shall be employed, shall be contained in any contract to which the Territory or any political subdivision thereof is a party." [L. 1903, c. 37, s. 3; R. L. 1925, s. 176; R. L. 1935, s. 90; am. L. Sp. 1941, c. 46, s. 2; R. L. 1945, s. 360; am. L. 1953, c. 96, s. 2.]

SECTION 3. Section 361 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 361. Penalty.** Any person, or any officer of the Territory, or of any political subdivision thereof, violating any of the provisions of sections 358-360, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense. Each violation shall be deemed a separate offense for each day thereof, and for each mechanic or laborer employed upon any public work, employed in violation of the provisions of said sections. Any contract or subcontract for any public work in the Territory that does not comply with the provisions of section 360 shall be void."

SECTION 4. This Act shall take effect on July 1, 1953; provided, however, that it shall be applicable only to public work of the Territory or any political subdivision thereof which is prosecuted under any contract executed on or after such effective date. [L. 1903, c. 37, s. 4; R. L. 1925, s. 177; R. L. 1935, s. 91; R. L. 1945, s. 361; am. L. 1953, c. 96, s. 3.]

(Approved May 18, 1953.) H. B. 951, Act 96.

§ 361.01. **Work on Saturday authorized when.** NEW, L. 1951, Act 231 [A-13].

§ 361.02. **Number of hours.** NEW, L. 1951, Act 231 [A-13].

§ 361.03. **Purpose of law.** NEW, L. 1951, Act 231 [A-13].

§ 367.01. **Employment of attorneys.** Am. L. 1953, Act 105 [A-41] infra.

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### Series A-17: ACT 176

An Act to Amend Section 370 of the Revised Laws of Hawaii 1945, Relating to Territorial and County Funds, to Authorize County Treasurers to Make Temporary Transfers Or Loans of Money in Excess of the Amounts Necessary for Immediate Requirements.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 370** of the Revised Laws of Hawaii 1945 is hereby amended by adding a new paragraph thereto, to read as follows:

"Whenever there are moneys in any fund of any county, save and except pension or retirement funds, funds under the control of any independent board or commission, funds set aside for redemption of bonds or the payment of interest thereon, and private trust funds, which in the judgment of the treasurer of said county are in excess of the amounts necessary for the immediate requirements of the said respective funds, and where in his judgment such action will not impede the necessary or desirable financial operations of the county, the treasurer is authorized, by and with the consent of the board of supervisors, to make temporary transfers or loans therefrom, without interest, to other funds of said county for undertaking public improvements for which the issuance and sale of the general obligation bonds have been duly authorized by the legislature and by the board of supervisors in accordance with the provision of chapter 117. Such transfers shall be made only after passage by the board of supervisors of an ordinance or resolution authorizing said public improvements. Amounts transferred under the provisions of this paragraph shall not, in any county, exceed the total sum of unissued authorized bonds of said county. The funds from which such transfers or loans are made shall be reimbursed by the treasurer from the proceeds of the bond sales upon the eventual issuance and sale of such bonds, or by appropriations of the board of supervisors." [L. 1931, c. 33, s. 1; am. L. 1933, c. 74, s. 1; R. L. 1935, s. 113; R. L. 1945, s. 370; am. L. 1953, c. 176, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 3, 1953.) **S. B. 22, Act 176.**

## Chapter 10. FEDERAL AID: GENERAL SURPLUS PROPERTY.

§ 405. **Definitions.** NEW, L. 1951, Act 289 [A-14].

§ 406. **Duties of attorney general, budget director.** NEW, L. 1951, Act 289 [A-14].

§ 407. **Director's duties and powers.** NEW, L. 1951, Act 289 [A-14].

§ 408. **Same.** NEW, L. 1951, Act 289 [A-14].

§ 409. **Revolving fund.** NEW, L. 1951, Act 289 [A-14].

§ 410. **Same; appropriation.** NEW, L. 1951, Act 289 [A-14].



Chapter 11. GENERAL DEPARTMENTAL  
REGULATIONS.

§ 451. **Governmental officials and employees to be citizens and residents; exceptions.** Am. L. 1949, Act 190 [A-10]; Am. L. 1951, Act 319 [A-2].

## Series A-18: ACT 94

An Act to Amend Chapter 11 of the Revised Laws of Hawaii 1945, as Amended, to Provide for the Loan of Employees of the Territory of Hawaii or its Subdivisions or Agencies, to the Governments of American Samoa, Guam, and the Trust Territories of the Pacific Islands.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 11 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

**"Sec. 452.01. Loan of employees to Guam, Samoa and the Trust Territories.** Notwithstanding the limitations of any other law to the contrary, upon the request of the governor of American Samoa, the governor of Guam or the high commissioner of the Trust Territories, for the services on a loan basis, of any employee of the Territory or of one of its subdivisions or agencies, the governor of the Territory of Hawaii or the mayor or chairman of the board of supervisors or the chairman of an independent board or commission having charge of its own funds, may grant to any such employee a leave of absence not to exceed two years. Any employee loaned to any of the said governments shall retain membership and all rights in the classified service and in the employees' retirement system of the Territory of Hawaii as though he had remained in the service of the Territory, subdivision or agency thereof. Upon returning from the loan the employee shall be reinstated to the position he left and shall be entitled to such compensation as he would have then been entitled had he remained in the service of the Territory, subdivision or agency thereof.

The government receiving the loan of an employee shall deduct from the employee's salary and shall pay to the employees' retirement system of the Territory of Hawaii, monthly, through the loaning department or agency, the same sum which was deducted from the employee's salary for the annuity savings fund of the employees' retirement system immediately prior to the loan

of the employee. The government receiving the loan of such employee shall also pay to the employees' retirement system, quarterly, through the loaning department or agency, such sum of money as the Territory or subdivision or agency would have been required to pay to the various funds of the employees' retirement system on account of the employment of such employee, based on the rate of compensation received by the employee immediately prior to the loan of the employee.

The amounts to be so paid shall be finally determined by the employees' retirement system and certified to the government receiving the loan of the employee.

Payment of the above mentioned sums shall be a condition of all loans." [L. 1953, c. 94, s. 1.]

SECTION 2. This Act shall take effect upon its approval and shall be applicable to employees loaned to the governments mentioned herein prior to such approval as well as to those hereafter loaned.

(Approved May 18, 1953.) H. B. 910, Act 94.

§ 454. Salaries \* \* \* during absence abroad. Am. L. 1947, Act 1 [A-14].

§ 455. Travelling expenses of territorial officials. Am. L. 1949, Act 322 [A-11].

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### Series A-19: ACT 150

An Act Relating to Expenditures From  
Special Funds for Travel Abroad By Public Officers  
and Employees.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 455.01]. SECTION 1. [No traveling expenditure without authorization]. No expenditure for traveling abroad on official business of the Territory by any officer or employee shall be made from any special fund without the prior authorization of the governor of the Territory of Hawaii. [L. 1953, c. 150, s. 1.]

[Sec. 455.02]. SECTION 2. [Inconsistent acts repealed]. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. [L. 1953, c. 150, s. 2.]

SECTION 3. This Act shall take effect upon its approval. (Approved June 1, 1953.) H. B. 603, Act 150.

#### REMOVAL FOR FAILURE TO TESTIFY.

§ 456.01. Persons subject to law. NEW, L. 1951, Act 177 [A-15].

§ 456.02. Failure to appear or testify, termination of employment. NEW, L. 1951, Act 177 [A-15].

- § 456.03. Procedure; review. NEW, L. 1951, Act 177 [A-15].
- § 457. Public officers \* \* \* master's fees. Am. L. 1945, Act 95 [A-10], rewritten p. 16.
- § 458. Copies of public records; costs and fees. Am. L. 1945, Act 248 [A-11]; Am. L. 1949, Act 345 [A-12]; Am. Sp. L. 1949, Act 23 [A-4].
- § 460.01. \* \* \* public records on films. \* \* \* NEW, L. 1945, Act 26 [A-12]. See also L. 1949, Act 44 [D-250], free copies of certain records to veterans.
- § 460.02. Disposal of government records. NEW, L. 1949, Act 65 [A-13].
- § 462. Government motor vehicles; certain uses prohibited. Am. L. 1949, Act 389 [A-14].
- § 463. Inscription to be placed on motor vehicles; character. Am. L. 1949, Act 389 [A-14].
- § 464. Duty of enforcing. Am. L. 1949, Act 389 [A-14].
- § 464.01. Motor vehicles; shelter. NEW, L. 1949, Act 389 [A-14].
- § 464.02. Enforcement; duties of sheriffs and police officers. NEW, L. 1949, Act 389 [A-14].
- § 464.03. Penalties; dismissal. NEW, L. 1949, Act 389 [A-14].
- § 466. Public hearings on rules and regulations having the force and effect of law. Am. L. 1951, Act 279 [A-16], rewritten pp. 73-74.
- § 477. Office hours, all government offices. Am. L. 1949, Act 232 [A-16].
- § 481.01. Performance of the duties of a vacant office. Am. L. 1953, Act 278 [A-5] supra.
- §§ 483-496. Rep. L. 1951, Act 264 [A-129].
- § 498.01. Power of boards to issue subpoena, administer oath, appoint masters, etc. NEW, L. 1949, Act 329 [A-17].
- §§ 499.01-.08. Governor's emergency powers. NEW, Sp. L. 1949, Act 21 [A-5].

## Chapter 12. LEAVES OF ABSENCE: VACATIONS.

- § 550. Vacations of public officers and employees; exceptions. Am. L. 1951, Act 376 [A-17], rewritten pp. 74, 75; Am. L. 1953, Act 278 [A-5] supra.
- § 552. Sick leaves. Am. L. 1951, Act 121 [A-18], rewritten p. 76; Am. L. 1953, Act 278 [A-5] supra.

### Series A-20: ACT 154

An Act Providing Leaves of Absence With  
Pay for Government Employees Summoned As Wit-  
nesses Or Jurors.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 552.01]. SECTION 1. [Governmental employee fees as witness or juror]. Any provisions of law to the contrary notwithstanding, any employee of the Territory, or any of its political subdivisions, who is summoned as a witness or juror in any judicial proceeding, subject to his claim for exemption from jury duty as in the law provided, shall be

entitled to a leave of absence with pay for the period required for such service, **provided** that his fees as such witness or juror shall be remitted by an assignment of such fees to the fund from which his salary is paid. [L. 1953, c. 154, s. 1.]

**SECTION 2.** This Act shall take effect upon its approval.

(Approved June 1, 1953.) H. B. 1156, Act 154.

§ 553. **Vacation allowances on termination of employment.** Am. L. 1949, Act 298 [A-19].

§ 553.01. **Compensatory time off for overtime work.** NEW, Sp. L. 1949, Act 36 [A-6].

§ 554. **Pay of officers and employees on active military service.** Am. L. 1949, Act 298 [A-19].

Old §§ 556-561. Rep. L. 1949, Act 370 [A-20]; however, see following Act for new §§ 556, 557, 559-562.

§ 556. **Reemployment upon termination of military service.** Am. L. 1951, Act 262 [A-19].

§ 557. **Status of persons temporarily employed.** Am. L. 1951, Act 262 [A-19].

#### **Emergency Provisions.**

§ 559. **Cash in lieu of vacation.** Am. L. 1951, Act 262 [A-19].

§ 560. **Cash in lieu of leave.** Am. L. 1951, Act 262 [A-19].

§ 561. **Allowances payable how?** Am. L. 1951, Act 262 [A-19].

§ 562. **Temporary suspension of certain laws.** Am. L. 1951, Act 262 [A-19].

#### **Special Benefits for Members in Military Service.**

§ 719. **Definitions.** Am. L. 1951, Act 262 [A-19].

§ 720. **Service credit; payment of contributions.** Am. L. 1951, Act 262 [A-19].

§ 721. **Benefits and conditions applicable to service members.** Am. L. 1951, Act 262 [A-19].

## **Chapter 12A. LEGISLATIVE HEARINGS AND PROCEDURE.**

§§ 570-578. **Legislative hearings and procedure.** NEW, Sp. L. 1949, Act 40 [A-7].

## **Chapter 12B. LOYALTY BOARD.**

§ 580.01. **Definitions.** NEW, L. 1951, Act 256 [A-20].

§ 580.02. **Board; appointment; tenure.** NEW, L. 1951, Act 256 [A-20].

§ 580.03. **Ineligibility of officers and employees.** NEW, L. 1951, Act 256 [A-20].

§ 580.04. **Effect of removal.** NEW, L. 1951, Act 256 [A-20].

§ 580.05. **Personal history statement.** NEW, L. 1951, Act 256 [A-20].

§ 580.06. **Execution of statement.** NEW, L. 1951, Act 256 [A-20].

§ 580.07. **Time for filing statement.** NEW, L. 1951, Act 256 [A-20].

§ 580.08. **Re-execution of statement not required.** NEW, L. 1951, Act 256 [A-20].

§ 580.09. **Exceptions.** NEW, L. 1951, Act 256 [A-20].

- § 580.10. Investigations. NEW, L. 1951, Act 256 [A-20].
- § 580.11. Referral of cases to board. NEW, L. 1951, Act 256 [A-20].
- § 580.12. Action by board. NEW, L. 1951, Act 256 [A-20].
- § 580.13. Loyalty hearing procedure. NEW, L. 1951, Act 256 [A-20].
- § 580.14. Review of panel decisions. NEW, L. 1951, Act 256 [A-20].
- § 580.15. Orders of board. NEW, L. 1951, Act 256 [A-20].
- § 580.16. Suspension pending hearing. NEW, L. 1951, Act 256 [A-20].
- § 580.17. Claims against government, barred when. NEW, L. 1951, Act 256 [A-20].
- § 580.18. Disbursing officers, restrictions on. NEW, L. 1951, Act 256 [A-20].
- § 580.19. Senate consent to removal. NEW, L. 1951, Act 256 [A-20].
- § 580.20. Standard for decision; evidence. NEW, L. 1951, Act 256 [A-20].
- § 580.21. No judicial review; exception. NEW, L. 1951, Act 256 [A-20].
- § 580.22. Board records confidential. NEW, L. 1951, Act 256 [A-20].
- § 580.23. Powers and duties. NEW, L. 1951, Act 256 [A-20].
- § 580.24. Oaths; perjury. NEW, L. 1951, Act 256 [A-20].
- § 580.25. Co-operation with board. NEW, L. 1951, Act 256 [A-20].
- § 580.26. Clerical and legal assistance. NEW, L. 1951, Act 256 [A-20].
- § 580.27. Salaries and expenses. NEW, L. 1951, Act 256 [A-20].
- § 580.28. Appropriation. NEW, L. 1951, Act 256 [A-20].
- § 580.29. Severability. NEW, L. 1951, Act 256 [A-20].

### Chapter 13. LOYALTY LAW.

- § 600. Oath required of public officers and employees; form. Am. L. 1945, Act 131 [A-17]; Am. L. 1949, Act 137 [A-21]; Am. L. 1951, Act 154 [A-21], as to oath; for balance of § 600 see L. 1949, pp. 45, 46.
- § 600.01. Repealed. L. 1951, Act 155 [A-21].
- § 605. \* \* \* Applicants. Am. L. 1947, Act 117 [A-18], rewritten p. 27.
- § 615. Duplicate taking of oath, not required when. Am. L. 1945, Act 131 [A-17].

### Chapter 14. PENSIONS: GENERAL PROVISIONS.

- § 631. Pensions. Am. L. 1947, Act 28 [A-19], rewritten p. 27.
- §§ 635.01-.04. Pension commission. NEW, L. 1945, Act 218 [A-18].

#### Series A-21: ACT 217

An Act to Provide for the Coverage of Certain Officers and Employees of the Territorial and Local Governments Under the Old Age and Survivors Insurance Provisions of Title II of the Federal Social Security Act, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 636]. SECTION 1. **Declaration of policy.** In order to extend to employees of the Territory and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of this Act, that such steps be taken as to provide such protection to employees of the Territory and its political subdivisions on as broad a basis as is permitted under the Social Security Act. [L. 1953, c. 217, s. 1.]

[Sec. 637]. SECTION 2. **Definitions.** For the purposes of this Act:

(a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act;

(b) The term "employment" means any service performed by an employee in the employ of the Territory, or any political subdivision thereof, for such employer, except (1) service which in the absence of an agreement entered into under this Act would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the Territory and the department of health education and welfare entered into under this Act.

(c) The term "employee" includes an officer of the Territory or political subdivision thereof;

(d) The term "territorial agency" means the auditor of the Territory;

(e) The term "department" includes any individual to whom the department has delegated any of its functions under the Social Security Act with respect to coverage under such Act of employees of states and territories and their political subdivisions;

(f) The term "political subdivision" includes an instrumentality of the Territory, of one or more of its political subdivisions, or of the Territory and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the Territory or subdivision and only if its employees are not by virtue

of their relation to such juristic entity employees of the Territory or subdivision;

(g) The term "Social Security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "Social Security Act", (including regulations and requirements issued pursuant thereto), as such Act has been and may from time to time be amended; and

(h) The term "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended. [L. 1953, c. 217, s. 2.]

[Sec. 638]. SECTION 3. (a) **Federal-territorial agreement.** The territorial agency, with the approval of the governor, is hereby authorized to enter on behalf of the Territory into an agreement with the department, consistent with the terms and provisions of this Act, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of the Territory or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in section 2 of this Act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the territorial agency and department shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the Social Security Act;

(2) The Territory will pay to the secretary of the treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages (as defined in section 2 of this Act), equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the

first day of January 1951 in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into;

(4) All services which constitute employment as defined in section 2 and are performed in the employ of the Territory by employees of the Territory, shall be covered by the agreement; and

(5) All services which (A) constitute employment as defined in section 2, (B) are performed in the employ of a political subdivision of the Territory, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the territorial agency under section 5, shall be covered by the agreement. [L. 1953, c. 217, s. 3.]

**[Sec. 639]. SECTION 4. Contributions by territorial employees.**

(a) Every employee of the Territory whose services are covered by an agreement entered into under section 3 shall be required to pay for the period of such coverage, into the contribution fund established by section 6, contributions, with respect to wages (as defined in section 2 of this Act), equal to the amount of tax which would be imposed by section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. Such liability shall arise in consideration of the employee's retention in the service of the Territory, or his entry upon such service, after the enactment of this Act.

(b) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the territorial agency shall prescribe. [L. 1953, c. 217, s. 4.]

**[Sec. 640]. SECTION 5. Plans for coverage of employees of political subdivisions.** (a) Each political subdivision of the Territory is hereby authorized to submit for approval by the territorial agency a plan for extending the benefits of title II of the Social Security Act, in conformity with applicable provisions of such Act, to employees of such political subdivision. Each such plan and any amendment thereof



shall be approved by the territorial agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the territorial agency, except that no such plan shall be approved unless:

(1) it is in conformity with the requirements of the Social Security Act and with the agreement entered into under section 3;

(2) it provides that all services which constitute employment as defined in section 2 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(3) it specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) it provides for such methods of administration of the plan by the political subdivision as are found by the territorial agency to be necessary for the proper and efficient administration of the plan;

(5) it provides that the political subdivision will make such reports, in such form and containing such information, as the territorial agency may from time to time require, and comply with such provisions as the territorial agency or the department may from time to time find necessary to assure the correctness and verification of such reports; and

(6) it authorizes the territorial agency to terminate the plan in its entirety, in the discretion of the territorial agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the territorial agency and may be consistent with the provisions of the Social Security Act.

(b) The territorial agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(c) (1) Each political subdivision as to which a plan has been approved under this section shall pay to the contribution fund, with respect to wages (as defined in section 2 of this Act), at such time or times as the territorial agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the territorial agency under section 3.

(2) Each political subdivision required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Act, to impose upon each of its employees, as to services which are covered by an approval plan, a contribution with respect to his wages (as defined in section 2 of this Act), not exceeding the amount of tax which would be imposed by section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of six per centum per annum, be recovered by action in the circuit court against the political subdivision liable therefor or may, at the request of the territorial agency, be deducted from any other moneys payable to such subdivision by any department or agency of the Territory. [L. 1953, c. 217, s. 5.]

[Sec. 641]. **SECTION 6. Contribution Fund.** (a) There is hereby established a special fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited in each fund: (1) all contributions, interest, and penalties collected under sections 4 and 5; (2) all moneys appropriated thereto under this Act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Act, the territorial agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this Act.

(b) The Contribution Fund shall be established and held separate and apart from any other funds or moneys of the Territory and shall be used and administered exclusively for the purpose of this Act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts re-

quired to be paid to the secretary of the treasury pursuant to an agreement entered into under section 3; (B) payment of refunds provided for in section 4 (c) of this Act; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(c) From the Contribution Fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the territorial agency in accordance with any agreement entered into under section 3 and the Social Security Act.

(d) The treasurer of the Territory shall be ex officio treasurer and custodian of the Contribution Fund and shall administer such fund in accordance with the provisions of this Act and the directions of the territorial agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the territorial agency may prescribe pursuant thereto.

(e) (1) There are hereby authorized to be appropriated to the Contribution Fund, in addition to the contributions collected and paid into the Contribution Fund under sections 4 and 5, to be available for the purposes of section 6 (b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the secretary of the treasury which the Territory is obligated to make pursuant to an agreement entered into under section 3.

(2) The territorial agency shall submit to the director of the bureau of the budget at such time preceding each biennial session of the legislature as he may prescribe, an estimate of the amounts authorized to be appropriated to the Contribution Fund by paragraph (1) of this subsection for the next appropriation period. [L. 1953, c. 217, s. 6.]

[Sec. 642]. **SECTION 7. Administrative Appropriation.** For the purpose of administering the provisions of this Act there is hereby appropriated from the general funds the sum of \$6,000.00. [L. 1953, c. 217, s. 7.]

[Sec. 643]. **SECTION 8. Rules and Regulations.** The territorial agency shall make and publish such rules and regulations, not inconsistent with the provisions of this Act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this Act. [L. 1953, c. 217, s. 8.]

[Sec. 644]. **SECTION 9. Studies and Reports.** The territorial agency shall make studies concerning the problem of old age and survivors insurance protection for employees of the Territory and local governments and their instrumental-

ities and concerning the operation of agreements made and plans approved under this Act and shall submit a report to the legislature at the beginning of each regular session, covering the administration and operation of this Act during the preceding biennium, including such recommendations for amendments to this Act as it considers proper. [L. 1953, c. 217, s. 9.]

[Sec. 645]. SECTION 10. **Separability.** If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby. [L. 1953, c. 217, s. 10.]

SECTION 11. **Effective Date.** This Act shall take effect upon its approval.

(Approved June 10, 1953.) **H. B. 1120, Act 217.**

## Chapter 15. RETIREMENT SYSTEM.

§§ 701, 703. Retirement, chapter 15, changes in 1945 and 1947, shown in full L. 1947, supplement, pages 574-587.

### Series A-22: ACT 37

An Act Amending Chapter 15 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Employees' Retirement System.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 15 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By substituting in the definition of the term "employee" in section 701 the words "per diem workers (except those who elect to withdraw or not to become members as provided in subsection 1 of section 703)" for the words "workers employed and compensated on an hourly or daily basis".

(b) By adding a new item to section 701 to read as follows:

"'Per diem worker' means a person employed and compensated on an hourly or daily basis." [L. 1925, c. 55, s. 1; am. imp. L. 1927, c. 251, especially ss. 1, 2, 5; am. L. 1929, c. 96, s. 19; R. L. 1935, s. 7920; am. imp. L. 1937, c. 235; R. L. 1945, s. 701; am. L. 1945, c. 73, s. 1; am. L. 1947, c. 85, s. 1; am. L. 1951, c. 110, s. 1; am. L. 1953, c. 37, pt. of s. 1.]

(c) By amending the second sentence of subsection 1 of section 703 to read as follows:

"Per diem workers shall become eligible for membership on January 1, 1952 and all persons who are employed as per diem workers on or after January 1, 1952 shall become members of the system; **provided**, however, that any person who was a per diem worker on or before December 31, 1951, shall not be required to become or to remain a member so long as he is employed as a per diem worker." [L. 1925, c. 55, s. 3; am. L. 1927, c. 223, s. 1; am. imp. L. 1927, c. 251, ss. 1, 2, 3, 5; am. imp. L. 1929, c. 190, s. 1; R. L. 1935, s. 7922; R. L. 1945, s. 703; am. L. 1945, c. 73, s. 1 (b); am. L. 1947, c. 103, s. 1 (a); am. L. 1951, c. 110, s. 1 (b); am. L. 1953, c. 37, s. 1 (c).]

SECTION 2. Each person who is a per diem worker within the meaning of section 1 of this Act and who became a member of the Employees' Retirement System on January 1, 1952 in accordance with the provisions of Act 110 of the Session Laws of Hawaii 1951 shall, on or before October 1, 1953, elect whether he shall withdraw or remain as a member of the system. If he elects to withdraw, the trustees of the system shall forthwith return his accumulated contributions to him. The foregoing provisions shall not apply to any person who was not employed as a per diem worker on or before December 31, 1951. [L. 1953, c. 37, s. 2.]

SECTION 3. This Act shall take effect July 1, 1953.

(Approved April 28, 1953.) **H. B. 582, Act 37.**

**Sec. 701**, definition of Employee, as amended reads as follows:

"**'Employee'**: Any regular and permanent employee or officer of the territory or any county whose business is devoted exclusively to the service of the territory or county, including inspectors, per diem workers (except those who elect to withdraw or not to become members as provided in subsection 1 of section 703), principals, teachers and special teachers regularly employed in the public schools, apprentices and on-the-job trainees whether or not supported in whole or in part by any federal grant, and members of the legislature who elect to be so classified. The board shall determine who are employees within the meaning of this chapter.

"**'Per diem worker'** means a person employed and compensated on an hourly or daily basis." [L. 1925, c. 55, s. 1; am. L. imp. L. 1927, c. 251, especially as 1, 2, 5; am. L. 1929, c. 96, s. 19; R. L. 1935, s. 7920; am. imp. L. 1937, c. 235; R. L. 1945, s. 701; am. L. 1945, c. 73, s. 1; am. L. 1947, c. 85, s. 1; am. L. 1951, c. 110, s. 1; am. L. 1953, c. 37, pt. of s. 1.]

**Sec. 703**, subsection 1, as amended reads as follows:

"1. Except as otherwise provided in this section, all employees of the territory or any county on July 1, 1945, shall be members of the system on such date, and all persons who shall thereafter enter or re-enter the service of the territory or any county shall become members at the time of their entry or re-entry. Per diem workers shall become eligible for membership on January 1, 1952 and all persons who are employed as per diem workers on or after January 1, 1952 shall become members of the system; **provided**,

however, that any person who was a per diem worker on or before December 31, 1951, shall not be required to become or to remain a member so long as he is employed as a per diem worker. Members of the legislature shall become eligible for membership on July 1, 1951. Any member of the legislature in service on July 1, 1951, or thereafter entering or re-entering the legislature, may become a member upon his own election. No member shall receive any pension or retirement allowance from any other pension or retirement system supported wholly or in part by the territory or any county." [L. 1925, c. 55, s. 3; am. L. 1927, c. 223, s. 1; am. imp. L. 1927, c. 251, ss. 1, 2, 3, 5; am. imp. L. 1929, c. 190, s. 1; R. L. 1935, s. 7922; R. L. 1945, s. 703, am. L. 1945, c. 73, s. 1 (b); am. L. 1947, c. 103, s. 1 (a); am. L. 1951, c. 110, s. 1 (b); am. L. 1953, c. 37, s. 1 (c).]

§ 703.01, 704. Retirement, chapter 15, changes in 1945 and 1947, shown in full L. 1947, supplement, pages 574-587.

§ 704. Service creditable. Am. L. 1949, Act 269 [A-22].

§ 704.01. Service while legislative employee. Am. L. 1951, Act 193 [A-23], retirement chapter changes, see L. 1947, supplement, pages 574-587.

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### Series A-23: ACT 281

An Act Amending Chapter 15 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Employees' Retirement System of the Territory of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1 **Section 704.02** of the Revised Laws of Hawaii 1945, as enacted by Act 110 of the Session Laws of Hawaii 1951, is hereby amended by adding thereto a new paragraph to read as follows:

"Under such rules and regulations as the board may adopt, any member who was a per diem employee on May 18, 1951 and who was required to become a member between May 18, 1951 and December 31, 1951, both dates inclusive, shall file before June 30, 1954 on a form approved by the board a detailed statement of all service rendered as a per diem employee prior to his becoming a member. The board shall verify as soon as practicable the periods of service therein claimed and shall allow credit therefor as prior service, anything to the contrary in this chapter notwithstanding." [L. 1951, c. 110, s. 1 (d); L. 1953, c. 281, s. 1.]

SECTION 2. The sum of \$15,000.00 is hereby appropriated from the general revenues of the Territory to cover the government's contribution to the employees' retirement system of the Territory on account of service creditable under the provisions of section 1 of this Act.

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 17, 1953.) **H. B. 579, Act 281.**

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**Series A-24: ACT 265**

An Act Relating to Membership Service Credit of Civilian Field Personnel of the Hawaii National Guard in the Employees' Retirement System of the Territory and making an Appropriation therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 15 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section 704.04 to read as follows:

**"Sec. 704.04. Services of field civilian personnel of the Hawaii National Guard.** Civilian field personnel of the Hawaii National Guard shall be entitled to membership service credit for all service performed by them in such capacity since August 1, 1946, upon making application therefor and complying with the provisions of section 704, **provided**, however, that no such application shall be allowed unless by federal law or regulation a payroll deduction shall have been made for the contribution required to be made into the territorial retirement system by such employees." [L. 1953, c. 265, s. 1.]

SECTION 2. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of \$58,000.00 or so much thereof as shall be necessary to cover the government's contributions to the employees' retirement system of the Territory on account of service creditable under the provisions of section 1 of this Act. [L. 1953, c. 265, s. 2.]

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **S. B. 607, Act 265.**

§§ **705, 707, 708**, inclusive to 1947, retirement chapter changes, see **L. 1947**, supplement, pages 574 to 587.

§ **707. Board of Trustees.** Am. L. 1951, Act 93 [A-24].

§ **708. Accidental disability benefit.** Am. L. 1951, Act 158 [A-25]; Am. L. 1951, Act 140 [A-26].

§ **708. Benefits \* \* \* Ordinary death benefit.** Am. L. 1949, Act 200 [A-23]; Subsection 8. Optional settlements. Am. L. 1951, Act 127 [A-27].

§ **710. Custody and investment of funds, etc.** Am. L. 1947, Act 233 [A-24]; L. 1949, Act 297 [A-24]; Am. Sp. L. 1949, Act 27 [A-8]. See Session Laws of 1947, pp. 585-587.

## Series A-25: ACT 56

Amending Section 710 of the Revised Laws of Hawaii 1945, Relating to Investments of Funds of the Territorial Employees' Retirement System to Include Home Loans Made Under the Provisions of the Servicemen's Readjustment Act of 1944, as Amended, and the National Housing Act.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 710** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding to subsection (2) thereof a new subparagraph as follows:

"(n) Home loans made under the provisions of the servicemen's readjustment Act of 1944, as amended, and home loans made to members under the provisions of Title II of the National Housing Act as amended." [L. 1925, c. 55, pt. of s. 7; am. imp. L. 1927, c. 251, s. 4; R. L. 1935, pt. of s. 7926; L. 1935, c. 156, ss. 1, 2; am. L. 1939, c. 5, s. 1; am. L. 1941, c. 50, s. 1 and c. 61, s. 1; am. L. 1945 s. 710; am. L. 1947, c. 233, s. 1; am. L. 1949, c. 297, s. 1; am. L. Sp. 1949, c. 27, s. 1; See S. L. 1947, pp. 585-587; am. L. 1953, c. 56, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 5, 1953.) **H. B. 208, Act 56.**

## Series A-26: ACT 204

An Act Relating to Legislative Pensions and Providing for the Transfer of the Administration Thereof From the Auditor to the Employees' Retirement System.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 711.01**]. SECTION 1. [**Administration of legislative pensions transferred to employees' retirement system.**] Act 267, Session Laws of Hawaii 1927, Act 176, Session Laws of Hawaii 1928, Act 279, Session Laws of Hawaii 1931, Act 236, Session Laws of Hawaii 1937, Act 235, Session Laws of Hawaii 1939, Act 34, Session Laws of Hawaii 1945, Act 267, Session Laws of Hawaii 1945, Act 268, Session Laws of Hawaii 1945, Act 92, Session Laws of Hawaii 1947, Act 247, Session Laws of Hawaii 1947, all, providing for legislative pensions, are hereby amended to provide that the administration thereof shall be transferred from the territorial auditor to the employees' retirement system. [L. 1953, c. 204, s. 1.]



SECTION 2. Any sums appropriated hereafter in the biennial appropriation bill for the purpose of paying for the pensions authorized in the Acts enumerated in section 1 shall be transferred to the employees' retirement system. [L. 1953, c. 204, s. 2.]

SECTION 3. This Act shall take effect upon its approval. (Approved June 5, 1953.) **S. B. 409, Act 204.**

### Series A-27: ACT 203

An Act Relating to Pensions and Allowances for Veterans of Hawaii Guard and Providing for the Administration Thereof to be Transferred From the Auditor to the Employees' Retirement System.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 711.03]. SECTION 1. [Administration of veterans' pensions transferred to employees' retirement system.]. Act 161, Session Laws of Hawaii 1927, as amended by Act 79, Session Laws of Hawaii 1931, as amended by Act 45, Special Session Laws of Hawaii 1941, all, providing for pensions and allowances for veterans of the Hawaii Guard, is further amended to provide that the administration of such pensions and allowances shall be transferred from the territorial auditor to the employees' retirement system. [L. 1953, c. 203, s. 1.]

SECTION 2. Any sums appropriated hereafter in the biennial appropriation bill for the purpose of providing for the payment of pensions and allowances for veterans of Hawaii Guard shall be transferred to the employees' retirement system. [L. 1953, c. 203, s. 2.]

SECTION 3. This Act shall take effect upon its approval. (Approved June 5, 1953.) **S. B. 408, Act 203.**

§ 718.01. **Named beneficiaries, effect of marriage or death.** Am. L. 1951, Act 156 [A-28].

§ 718.02. **Contributions by certain agencies.** NEW, L. 1951, Act 245 [A-29].

§ 718.03. **Same; from federal funds.** NEW, L. 1951, Act 245 [A-29].

§ 718.04. **Determination of amount; payment.** NEW, L. 1951, Act 245 [A-29].

### Series A-28: ACT 170

An Act Relating to Employees' Stock Bonus, Pension, Profit-Sharing and Annuity Plans and Trusts.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 718.05]. SECTION 1. [Definition.] The term "employees' trust" as used in this Act shall mean any trust created by an employer as part of a stock bonus, pension, profit-sharing or annuity plan for the exclusive benefit of some or all of his employees, or their beneficiaries, to which contributions are made by such employer, or employees, or both, for the purpose of distributing in accordance with such plan to such employees, or their beneficiaries, the earnings or the principal, or both earnings and principal, of the trust fund, **provided** that it is impossible under the trust terms at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust for any part of the corpus or income to be at any time used for or diverted to purposes other than the exclusive benefit of such employees, or their beneficiaries. The term "employer" as used in this Act shall be deemed to include a group of employers creating a combined plan or trust for the benefit of their employees or the beneficiaries of such employees. [L. 1953, c. 170, s. 1.]

[Sec. 718.06]. SECTION 2. [Trust not in violation of rule against perpetuities, etc.] Any such employees' trust heretofore or hereafter created may continue for such time as may be necessary to accomplish the purposes for which it has been created and its income may be accumulated for such time as may be necessary to accomplish such purposes. No such employees' trust heretofore or hereafter created shall be deemed to be subject to or in violation of any principle of law against perpetuities or restraints on alienation or perpetual accumulations or perpetual trusts. [L. 1953, c. 170, s. 2.]

[Sec. 718.07]. SECTION 3. [Act not implication that rule against perpetuities, etc., has been violated.] The fact that the Legislature has enacted this Act shall not in itself give rise to any implication that trusts of this nature have been subject to or in violation of any such principle of law against perpetuities or restraints on alienation or perpetual accumulations or perpetual trusts. [L. 1953, c. 170, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 2, 1953.) H. B. 998, Act 170.

Old §§ 719, 720, 721, repealed L. 1949, Act 370 [A-20].

**SPECIAL BENEFITS FOR MEMBERS IN MILITARY SERVICE.**

§§ 719, 720, 721. NEW, L. 1951, Act 262 [A-19].

Chapter 15A. STRIKES AGAINST GOVERNMENT,  
PROHIBITED.

§§ 730-734. Prohibiting strikes against government. NEW, Sp. L. 1949, Act 42 [A-9].

Title 2: AGRICULTURE, FORESTRY, FISHING.

Chapter 16. GENERAL ADMINISTRATION.

§ 1000. Commissioners, appointment, tenure. Am. L. 1949, Act 55 [A-26].

§ 1006. Duties of the board, general. Am. L. 1947, Act 178 [A-25]; Am. L. 1949, Act 83 [A-27].

§ 1006.01. Permits \* \* \* for scientific purposes. NEW, L. 1945, Act 14 [A-21].

§ 1011.01. Enforcement of other laws. NEW, L. 1947, Act 13 [A-26].

§ 1011.02. Agents to sell licenses. NEW, L. 1949, Act 82 [A-28].

§ 1011.03. Hunting licenses, badges, fees; penalties. NEW, L. 1949, Act 84 [A-29].

§§ 1021-1026. Rep. L. 1953, Act 100 [A-29] infra.

Series A-29: ACT 100

An Act to Provide Fire Protection for Forest, Pasture and Brush Lands, and to Protect Such Lands Against Wastage by Fire; to Provide a Fire Warden Service and Defining the Powers and Duties of Fire Wardens; to Provide for Payment for Fire Fighting; to Define Illegal Acts in Connection With Setting of Fires and Providing Penalties Therefor; and Repealing Sections 1021 to 1026, Inclusive, Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1021.01]. SECTION 1. **Short title.** This Act may be known and cited as land fire protection law. [L. 1953, c. 100, s. 1.]

[Sec. 1021.02]. SECTION 2. **Findings and declaration of policy.** The forest, pasture and brush lands of Hawaii are basic assets of the Territory, and, it is found that a proper organization for the protection of wastage to these lands by fire is a public responsibility as well as a responsibility of the owners or occupiers of such lands. It is declared to be the policy of this Act to provide for protection, control and extinguishment of fires on such lands in the interest of the health, safety and general welfare of the people of the Territory. [L. 1953, c. 100, s. 2.]

[Sec. 1021.03]. SECTION 3. **Responsible agency.** It shall be the duty of the board of commissioners of agriculture and forestry to take measures for the prevention, control and

extinguishment of forest fires within the forest reserves of the Territory and to cooperate with established fire control agencies of cities, towns and counties in developing plans and programs for the prevention, control and extinguishment of fires on forest, pasture and brush lands not within forest reserves. [L. 1953, c. 100, s. 3.]

[Sec. 1021.04]. **SECTION 4. Fire wardens.** The territorial forester shall be ex officio principal fire warden and shall be responsible for coordinating the work of chief fire wardens and reviewing their plans for fire protection and control. The forester in charge of territorial forest reserves on each island shall be the chief fire warden for that island and shall be in charge of all district fire wardens on said island. District fire wardens shall be appointed by the board to serve without pay, for as many districts as in the opinion of the board may be needed for each island to give an adequate coverage and they shall be responsible for enforcing the fire prevention sections of this Act in the district to which they are appointed. [L. 1953, c. 100, s. 4.]

[Sec. 1021.05]. **SECTION 5. Powers and duties of fire wardens.** The principal fire warden of the Territory shall be responsible to the board for supervision of the organization and plans of the chief fire wardens of each island.

**A. Chief fire warden.** The chief fire warden of each island shall have the following duties and power: devise a master plan for zoning the island into fire districts; make recommendations to the board for the appointment of district fire wardens for each such fire district; take necessary measures for the prevention, control and extinguishment of fires coming within the meaning of this Act; supervise the work of the district fire wardens; and, when necessary, appoint for periods of time limited to two months, special fire wardens to serve without compensation who shall have the same powers as district fire wardens during their term of appointment; issue fire warning notices during dry periods or other seasons when fire hazards are great; receive, audit, and if correct, approve and transmit to the board through the principal fire warden, all reports and accounts for expenses incurred in the prevention, control and extinguishment of any fires which come within the meaning of this Act; summon when he deems necessary additional fire fighting assistance, equipment, supplies or materials to assist a district fire warden in fighting a fire; assume full responsibility, upon relieving the district fire warden of such responsibility, for directing the control and extinguishment of any fire coming within the meaning

of this Act, including directing the control and extinguishment of any fire on any government or surrendered private lands in forest reserves; conduct educational work in the protection of forest, pasture, and brush lands against fires; and, to arrest without warrant any person committing in his presence any of the offenses prohibited by this Act.

**B. District fire warden.** The district fire warden shall have the following duties and power: advise the chief fire warden of the need of fire warning notices, and, if issued, to assist in posting such warnings; issue special permits to burn forest, pasture or brush lands during fire warning periods; summon and have control of (unless relieved by the chief fire warden as hereinabove provided) all persons, equipment, apparatus, supplies and materials used or needed for fighting a fire; authority to incur expenses for the purposes of and in accordance with the provisions of this Act, **provided**, however, that such district fire warden may relinquish such authority to the chief fire warden of such island; submit to the chief fire warden a correct and itemized account of such expenses, together with a report of the fire on forms supplied by the board; and, to arrest without warrant any person committing in his presence any of the offenses prohibited by this Act. [L. 1953, c. 100, s. 5.]

[Sec. 1021.06]. **SECTION 6. Payment for fire fighting.** No federal, territorial, county, city or town agency summoned by a fire warden to assist in extinguishing a fire shall be reimbursed for expenses incurred in such fire fighting.

No owner, lessee, occupier, of any lands upon which a fire has occurred, nor any employee of such persons, nor any person who has any vested interest in and to such lands or his employees shall be entitled to the compensation provided for in this Act, for his services and materials rendered in and upon such land in the extinguishment of any fires; **provided**, however, the prohibition contained in this paragraph shall not apply to owners or persons holding interests to any lands which have been surrendered to the board under agreement as a public forest reserve for a period of ten years or more.

The board shall pay all expenses for wages of persons, use of equipment, supplies or materials summoned or used by the chief fire warden or the district fire warden, for controlling and extinguishing fires originating in and occurring upon government lands within forest reserve or private lands surrendered to the board as a public forest reserve for a period of ten years or longer. The board shall also pay that por-

tion of the cost, including wages of persons, use of equipment, supplies, or materials summoned or used as provided herein, incurred in preventing a fire not occurring upon a forest reserve from entering such forest reserve, as may be determined by the district fire warden with the approval of the chief fire warden and the board.

All expenses incurred in controlling or extinguishing a fire on any other private or public lands, except as prohibited by this Act, shall be payable from the governor's contingent fund, providing, such has been established by the territorial legislature, and, the owner, lessee or agency having control over such lands has contributed all aid at his disposal for the control and extinguishment of the fire. Any person, agency or corporation summoned by a district fire warden or chief warden to assist in extinguishing a fire eligible under this Act to claim for reimbursement for wages, equipment use, supplies or materials must submit an itemized statement of such claims to the chief fire warden through the district fire warden within sixty days after the fire has been extinguished in order to have it honored. [L. 1953, c. 100, s. 6.]

**[Sec. 1021.07]. SECTION 7. Rates of pay for fire fighting.** Persons summoned by a district fire warden or a chief fire warden or by anyone authorized by a district or chief fire warden for controlling or extinguishing a fire, within the meaning of this Act, and who are eligible for compensation under this Act, shall receive compensation at an hourly rate equivalent to the prevailing entry level rate of the civil service classification for the skill for which he is called on to perform. The rental rates of equipment shall not exceed the prevailing interdepartmental rates for equipment of similar type as established by the territorial department of public works, and supplies or material expended shall be paid for at the actual cost of replacement. [L. 1953, c. 100, s. 7.]

**[Sec. 1021.08]. SECTION 8. [Insurance protection.]** All persons who have performed services required under this Act, which services are made compensable under the terms of this Act, shall, in case of injury or death arising out of and in the performance of the functions pursuant to this Act, or their dependents, be entitled to all of the benefits provided in chapter 77 of the Revised Laws of Hawaii 1945, as amended, including medical services and supplies; **provided** that for the purposes of such benefits, average weekly wages shall be computed on the basis of earnings from the usual employment of such persons. The cost thereof shall be a charge upon the territorial insurance fund. [L. 1953, c. 100, s. 8.]

[Sec. 1021.09]. **SECTION 9. Fire danger periods, setting fires, penalties.** During periods of weather which the chief fire warden determines that the possibility of fire is particularly dangerous the chief fire warden of each island shall establish a fire danger period by causing a fire warning to be issued by publishing a notice containing information setting forth such fact and the areas affected thereby, in a paper of general circulation in the area affected or by posting notices in public places with similar information. During such periods until such period expires, no fires shall be started for purposes of burning forest, pasture or brush lands unless a burning permit is first obtained from the district fire warden. The issuance of such permits shall be at the discretion of the issuing officer who shall take into account whether the issuance of such a permit is compatible with safety. Holders of such permits shall start no fires during a heavy wind or without sufficient help present to control same and shall maintain a constant watch over such fires until they have been extinguished. Every person who sets a fire on land owned, leased or controlled by him during a fire warning period without a permit, or, every person who wilfully, maliciously or negligently sets a fire or causes to be set on fire any forest, pasture or brush lands not owned, leased or controlled by him, or, any person who wilfully, maliciously or negligently allows a fire to escape from land owned, leased or controlled by him shall be guilty of a misdemeanor. Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five thousand dollars (\$5,000.00). Setting such fires or causing them to be set or allowing them to escape shall be prima facie evidence of wilfulness, malice or negligence under this section; **provided**, that nothing herein contained shall apply to a person who, in good faith, sets a back fire to check a fire already burning. [L. 1953, c. 100, s. 9.]

[Sec. 1021.10]. **SECTION 10. Refusal to assist in fire fighting.** Any able-bodied male person between the ages of sixteen and fifty years who refuses to attend and assist in the extinguishment of a fire when summoned by an authorized fire warden, or, any person, corporation or agency, who possesses equipment, supplies or materials summoned by a fire warden for combating a fire who fails or refuses to furnish such equipment, supplies or material shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). [L. 1953, c. 100, s. 10.]

[Sec. 1021.11]. **SECTION 11. [Duty of governmental agencies to assist.]** It is the duty of all agencies of the Territory or its political subdivision to assist in extinguishing any fire when duly summoned by any fire warden. [L. 1953, c. 100, s. 11.]

[Sec. 1021.12]. **SECTION 12. Obstructing fire wardens.** Any person who obstructs or interferes with or prevents any fire warden or persons summoned by him in the performance of any duty authorized by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). [L. 1953, c. 100, s. 12.]

[Sec. 1021.13]. **SECTION 13. [Severability.]** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. [L. 1953, c. 100, s. 13.]

[Sec. 1021.14]. **SECTION 14. Sections 1021 to 1026, inclusive, Revised Laws of Hawaii 1945, are hereby repealed.** [L. 1953, c. 100, s. 14.]

**SECTION 15.** This Act shall take effect upon its approval.  
(Approved May 19, 1953 ) **H. B. 742, Act 100.**

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§ 1033. **Seizure and forfeiture of fishing and hunting gear.** NEW, L. 1947, Act 14 [A-27]; Am. L. 1949, Act 66 [A-30], rewritten p. 54.

§ 1034.01. **Farm advisory board, creation, term, etc.** NEW, L. 1949, Act 235 [A-31].

§ 1034.02. **Powers, duties, assistants, advisory functions.** NEW, L. 1949, Act 235 [A-31].

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**TERRITORIAL PARKS.**

§§ 1040-1048.01. **Territorial parks.** NEW, L. 1949, Act 185 [A-32].

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**Chapter 17. ANIMALS AND BRANDS.**

§ 1056. **Landing (of any animal) not an entry.** Am. L. 1947, Act 177 [A-28], rewritten p. 39.



## Series A-30: ACT 235

An Act Relating to the Registration of Livestock Brands; Amending Sections 1068, 1070, and 1072 of the Revised Laws of Hawaii 1945; Providing Penalties; and Directing the Board of Commissioners of Agriculture and Forestry to Conduct a Survey of Livestock Brands Used in the Territory.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 17 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended as follows:

(a) By amending section 1068 thereof to read as follows:

**"Sec. 1068. Brands to be recorded, etc.** Every owner of livestock shall have his brand or mark, in order to secure its validity, recorded in a separate book kept for that purpose by the board of commissioners of agriculture and forestry in each county and city and county within which his animals are. The fee for each such recordation shall be one dollar, upon the payment of which the board, through its duly authorized officer or employee in each county and city and county, shall issue to such owner a certificate showing that such brand or mark has been duly recorded. All moneys so received shall be paid into the treasury of the Territory. No brand or mark shall be recorded which may be similar or approximate in design to any brand or mark which shall have been previously recorded in the same county or city and county, and no record shall be made of any mark which shall involve the cutting off of one or both ears of an animal. Numerals from 1 to 9 and 0, not used in combination or with symbols, as a brand, shall not be subject to pre-emptive use but shall be the common property of all persons. Each registration or re-registration hereunder shall expire five years after the date of registration or re-registration unless re-registered within ninety days prior to such expiration. Upon the assignment of any registered brand or mark the same shall be re-registered by the assignee as an original registration." [L. 1888, c. 35, s. 19; am. L. 1911, c. 58, s. 1; R. L. 1925, s. 681; R. L. 1935, s. 259; am. L. 1939, c. 104, s. 7; am. L. 1943, c. 62, s. 21; L. 1943, c. 64, s. 22; R. L. 1945, s. 1068; am. L. 1953, c. 235, s. 1a.]

(b) By amending section 1070 thereof to read as follows:

**"Sec. 1070. Brands registered heretofore cancelled.** All registrations of brands or marks made and in force prior to the effective date of this section shall expire on December 31, 1953, unless re-registered under the pro-

visions of section 1068 within ninety days prior to December 31, 1953." [L. 1892, c. 55, s. 1; R. L. 1925, s. 683; am. L. 1927, c. 57, s. 1; R. L. 1935, s. 261; R. L. 1945, s. 1070; am. L. 1953, c. 235, s. 1b.]

(c) By amending section 1072 thereof to read as follows:

**"Sec. 1072. Using other's brand prohibited; penalty.**

It shall be unlawful for any person other than the registered owner to use any brand or mark that has been duly registered or re-registered according to law and for which the registration or re-registration has not expired, except by the consent of the registered owner, his executors, administrators or assigns. Any person violating the provisions of this section shall, upon conviction, be fined five dollars for each animal so branded or marked." [L. 1888, c. 35, s. 20; am. L. 1903, c. 8, s. 2; R. L. 1925, s. 685; R. L. 1935, s. 263; R. L. 1945, s. 1072, am. L. 1953, c. 235, s. 1c.]

SECTION 2. The brand books heretofore kept by the sheriff of the city and county of Honolulu and by the chiefs of police of the counties of Hawaii, Maui and Kauai shall be turned over to the board of commissioners of agriculture and forestry. The said board shall conduct a survey of all livestock brands in use in the Territory of Hawaii and submit a report pertaining thereto to the Twenty-eighth Legislature of the Territory of Hawaii on the opening day of its regular session.

SECTION 3. This Act shall take effect upon its approval, provided that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and such offense may be prosecuted and punished the same as if this Act had not been enacted.

(Approved June 12, 1953.) H. B. 654, Act 235.

§ 1071. Owners of unbranded animals. L. 1951, Act 32 [A-30].

§ 1076. Dairy etc. cattle; tuberculin tests. Am. L. 1945, Act 104 [A-22].

§ 1087. Animals on public roads. Am. L. 1947, Act 15 [A-29], rewritten p. 40.

§ 1088.01. Trespassing by animals. NEW, L. 1945, Act 266 [A-23].

§ 1090. Expenses, trespassing animals. Am. L. 1947, Act 15 [A-29], rewritten p. 40.

§ 1095.01. Game mammals defined, exception. NEW, L. 1949, Act 186 [A-33].

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Chapter 18. BIRDS AND DEER.

§ 1151. Open and close seasons and bag limits on game birds. Am. L. 1949, Act 145 [A-34].

§ 1151.01. Open season, days of. Rep. L. 1949, Act 145 [A-34].

§ 1152. **Definition of game birds.** Am. L. 1949, Act 145 [A-34].

§ 1153. **Penalty.** Am. L. 1949, Act 145 [A-34].

§§ 1154-1156. Rep. L. 1953, Act 78 [A-31] *infra*.

### Series A-31: ACT 78

An Act Providing for the Protection and Conservation of Wild Birds, and Providing Penalties, Amending Sections 1158 to 1161, Inclusive, and Repealing Sections 1154, 1155, 1156, 1162, 1163, 1164 and 1165, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1158, 1159, 1160 and 1161 of the Revised Laws of Hawaii 1945, are hereby amended to read as follows:

**"Sec. 1158. Wild birds defined.** For the purposes of this chapter, the term 'wild birds' shall mean all birds, other than game birds as defined in section 1152, living in a wild and undomesticated state, and the young and the eggs of such birds. From time to time the board of commissioners of agriculture and forestry shall publish in a newspaper of general circulation a list of all introduced birds which have become wild birds. [L. 1907, c. 104, s. 1; R. L. 1925, s. 734; am. imp. L. 1925, c. 204, s. 2; R. L. 1935, s. 306; R. L. 1945, s. 1158; L. 1953, c. 78, s. 1.]

**Sec. 1159. Permits to take wild birds.** The board of commissioners of agriculture and forestry shall have power to make and amend, with the approval of the governor, rules and regulations:

(a) Authorizing the taking and collecting of wild birds for scientific purposes or for the purpose of distributing wild birds to different localities in the Territory;

(b) Authorizing the keeping of wild birds in captivity for the protection, treatment for injury or disease, and such other similar purposes as are consistent with the preservation, protection and conservation of wild birds; and

(c) Authorizing the taking and destruction of such wild birds as the board may have found after investigation to be destructive to crops or otherwise harmful to agriculture, **provided** that such authority shall be limited to such places and such times as may be necessary for the protection of a particular crop. Such rules and regulations shall require the person or persons seeking such

authority to apply for and obtain a written permit from the board. Such permits may prescribe such terms and conditions as the board may deem necessary to prevent abuse of the authority granted thereby, and may be cancelled by the board, after notice and hearing, for the violation of any such term or condition. [L. 1907, c. 104, s. 2; R. L. 1925, s. 735; am. L. 1931, c. 134, pt. of s. 1; R. L. 1935, s. 307; am. L. 1937, c. 199, s. 6; R. L. 1945, s. 1159; am. L. 1953, c. 78, s. 1.]

**Sec. 1160. Penalty.** It shall be unlawful for any person, other than a person holding a permit issued under the provisions of section 1159, to take, catch, injure, kill or destroy, or attempt to take, catch, injure or destroy, any wild bird, or to keep or have possession of any wild bird, dead or alive, or to damage or destroy a nest of any wild bird. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or by imprisonment of not more than ninety days, or by both fine and imprisonment. [L. 1907, c. 104, s. 3; am. L. 1909, c. 68, pt. of s. 1; R. L. 1925, s. 736; R. L. 1935, s. 308; am. L. 1937, c. 199, s. 7; R. L. 1945, s. 1160; am. L. 1953, c. 78, s. 1.]

**Sec. 1161. Keeping of birds in captivity; penalty.** It shall be unlawful for any person to keep in captivity any bird which is of any species of wild bird unless such bird was lawfully imported into the Territory or was bred in captivity from birds lawfully imported. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or by imprisonment of not more than thirty days, or by both fine and imprisonment." [L. 1907, c. 104, s. 4; am. L. 1909, c. 68, pt. of s. 1; R. L. 1925, s. 737; R. L. 1935, s. 309; am. L. 1937, c. 118, s. 3; R. L. 1945, s. 1161; am. L. 1953, c. 78, s. 1.]

**SECTION 2.** Sections 1154, 1155, 1156, 1162, 1163, 1164 and 1165 of the Revised Laws of Hawaii 1945 are hereby repealed.

**SECTION 3.** This Act shall take effect July 1, 1953.

(Approved May 14, 1953.) **H. B. 509, Act 78.**

§§ 1162-1165. Rep. L. 1953, Act 78 [A-31] supra.

## Series A-32: ACT 5

An Act Incorporating Section 1 of Act 84 (Series A-29) of the Session Laws of Hawaii 1949 as a Part of Chapter 18 of the Revised Laws of Hawaii 1945, as Amended.

WHEREAS, section 1 of Act 84 (Series A-29) of the Session Laws of Hawaii 1949 (relating to hunting licenses) has been numbered section 1011.03 and incorporated as a part of Chapter 16 of the Revised Laws of Hawaii 1945, as amended; and

WHEREAS, it is desirable and proper that said section be incorporated as a part of Chapter 18 of the Revised Laws of Hawaii 1945, as amended; now, therefore,  
*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1168.01]. SECTION 1. Section 1 of Act 84 (Series A-29) of the Session Laws of Hawaii 1949 is hereby incorporated as a part of Chapter 18 of the Revised Laws of Hawaii 1945, as amended, to be appropriately numbered by the Secretary of the Territory. [L. 1953, c. 5, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved April 7, 1953.) H. B. 500, Act 5.

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**GAME RESERVES.**

§ 1179. Game reserves, refuges, public shooting grounds. Am. L. 1951, Act 6 [A-31].

§ 1180. Penalty. Am. L. 1951, Act 6 [A-31].

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Chapter 18A. ECONOMIC POISONS.

§§ 1180.01-.09. Economic poisons. NEW, L. 1945, Act 60 [A-24].

§ 1180.03. Inspectors. Am. L. 1949, Act 136 [A-35], rewritten p. 65.

§ 1180.08, subsection (b). Registration fee. L. 1951, Act 57 [A-32].

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Chapter 19. FISHING AND MARINE LIFE.

§ 1212. Condemnation of fisheries. Am. L. 1947, Act 200 [A-12], rewritten p. 17.

§§ 1214.01-.02. Possession, sale of fish, etc. NEW, L. 1945, Act 107 [A-25].

§§ 1214.03-.06. Fishing licenses. Rep. Sp. L. 1949, Act 57 [A-10]. NEW, L. 1949, Act 348 [A-36].

§ 1216. Aliens not admitted to United States. Am. L. 1949, Act 211 [A-37].

§ 1217.01. Emergency exceptions to fishing laws. NEW, L. 1945, Act 127 [A-26]. Terminated (?) L. 1949, Act 370 [A-20], s. 2.

§ 1222.01. Fish traps. Am. L. 1951, Act 53 [A-33].

§ 1222.02. Penalties. Am. L. 1951, Act 53 [A-33].

§ 1223. Nets and traps, minimum sizes. Am. L. 1949, Act 211 [A-37].

## Series A-33: ACT 124

An Act Relating to the Use of Fine Mesh  
Nets and Traps for the Taking of Fish for Aquarium  
Purposes.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1223.1]. SECTION 1. **Definition.** For the purposes of this Act "board" means the board of commissioners of agriculture and forestry; "aquarium purposes" means to hold marine or salt water fish or other marine life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes; "aquarium fish permit" means a permit issued by the board for the use of fine mesh nets and traps to take marine fish for aquarium purposes; **provided**, however, that the word "marine" shall not mean fresh water. [L. 1953, c. 124, s. 1.]

[Sec. 1223.2]. SECTION 2. **Aquarium fish permit.** The board or agents designated by the board may issue, upon receipt of a written application, a permit to use fine meshed traps or fine meshed nets, other than thrownets, for the taking of marine fish for aquarium purposes. Such permits shall be issued only to persons who can satisfy the board or its agents that they possess facilities to and can maintain fish alive and in reasonable health and on the payment of a fee of one dollar (\$1.00). The board may, at its discretion, cancel any aquarium fish permit for any infraction of the terms of such permit, when such fact is made evident to the satisfaction of the board. [L. 1953, c. 124, s. 2.]

[Sec. 1223.3]. SECTION 3. **Illegal to sell.** It shall be illegal to sell or offer for sale any fish taken under authority of an aquarium fish permit unless such fish is sold alive for aquarium purposes. [L. 1953, c. 124, s. 3.]

[Sec. 1223.4]. SECTION 4. **Penalty.** Any person convicted of violating the provisions of this Act shall be fined not less than ten dollars (\$10.00) or not more than one hundred dollars (\$100.00) or by imprisonment for not more than sixty days or by both such fine and imprisonment. [L. 1953, c. 124, s. 4.]

SECTION 5. This Act shall take effect upon its approval.  
(Approved May 21, 1953.) **H. B. 504, Act 124.**

§ 1224. **Rep. L. 1949, Act 211 [A-37].**

§ 1227. **Rep. L. 1949, Act 211 [A-37].**

§ 1227.01. **Fine meshed throw nets.** NEW, **L. 1947, Act 12 [A-31].**

§ 1229. **Fishing with firearms.** Am. L. 1949, Act 211 [A-37], rewritten pp. 69, 70.

§§ 1229.01-.03. **Fishing with chemicals, poisons, intoxicants, etc.** NEW, L. 1949, Act 49 [A-38].

§ 1231. **Fishing in Waikiki and other canals; penalty.** Am. L. 1951, Act 58 [A-34]; balance rewritten pp. 113, 114.

### Series A-34: ACT 85

An Act to Add Section 1231.05 to the Revised Laws of Hawaii 1945, to Establish a Refuge for the Protection of Certain Kinds of Marine Life, and Providing Penalties for Violation Thereof.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1231.05 is hereby added to the Revised Laws of Hawaii 1945, to read as follows:

**"Sec. 1231.05. Hawaii marine laboratory refuge.** Any person who catches or takes within the Hawaii marine laboratory refuge, the dimensions of which are herein-after described, any fish, invertebrate or specimen of marine plant life shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Nothing in this section shall apply to any officer, faculty member, employee or student of the university of Hawaii or licensee of the board of regents of the university of Hawaii, while employed in catching or taking fish, invertebrates or specimens of marine plant life for scientific purposes.

The Hawaii marine life refuge consists of the reefs and bay waters surrounding the island of Moku-o-loe located in Kaneohe bay, island of Oahu, from the high tide line on the island extending outward to 'twenty-five feet beyond the outer edges of the reefs'.

All laws enacted for the protection of fish and game or marine life shall likewise apply to the Hawaii marine life refuge, except that no person or persons, other than those designated by this section, shall be authorized to catch or take fish, invertebrates or specimens of marine plant life in the refuge." [L. 1953, c. 85, s. 1.]

[Sec. 1231.06]. SECTION 2. [Duration.] The Hawaii marine laboratory refuge created by this Act shall continue only as long as the regents of the university of Hawaii maintain the Hawaii marine laboratory on the island of Moku-o-loe, island of Oahu. [L. 1953, c. 85, s. 2.]

[Sec. 1231.07]. SECTION 3. [Severability.] If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid. [L. 1953, c. 85, s. 3.]

SECTION 4. This Act shall take effect upon its approval.  
(Approved May 18, 1953.) H. B. 586, Act 85.

§ 1232. Minimum sizes. Am. L. 1949, Act 211 [A-37].

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### Series A-35: ACT 59

An Act Protecting and Conserving the  
Native Hawaiian Seal (*Monachus Schauinslandi*)  
and Providing Penalties.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1234.1]. SECTION 1. [Hawaiian Seal.] The native Hawaiian Monk seal (*Monachus schauinslandi*), a rare and unique member of the fauna of the Leeward Islands of the Territory of Hawaii, shall be given the status of a protected animal and it shall be unlawful to molest, kill, capture or possess any Hawaiian seal or the skin, fat or other body parts thereof, except in accord with the provisions of section 1006.01, as amended, Revised Laws of Hawaii 1945. [L. 1953, c. 59, s. 1.]

[Sec. 1234.2]. SECTION 2. Penalty. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment of not more than six months or by both fine and imprisonment. [L. 1953, c. 59, s. 2.]

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 5, 1953.) H. B. 508, Act 59.

§ 1237. Nehu and iao. Am. L. 1947, Act 179 [A-33].

§ 1238. Opelu fishing regulated; penalty. Am. L. 1951, Act 13 [A-35].

§ 1239. Rep. L. 1953, Act 65 [A-36] supra.



## Series A-36: ACT 65

An Act Providing for the Protection, Propagation and Conservation of Introduced Fresh Water and Salt Water Fish, Authorizing the Board of Commissioners of Agriculture and Forestry to Regulate the Taking Thereof, and Providing Penalties.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1240 and 1241 of the Revised Laws of Hawaii 1945 are hereby amended to read as follows:

**"Sec. 1240. Introduced fresh water and salt water fish, protected.** It shall be the duty of the board of commissioners of agriculture and forestry to provide for the protection, propagation and conservation of introduced fresh water and salt water fish and to exercise such powers hereinafter provided as it may deem necessary to prevent any serious depletion of the supply of such fish and to promote the increase thereof. The board shall have power to make and amend, from time to time, with the approval of the governor, rules and regulations governing the taking of introduced fresh water and salt water fish. Such rules and regulations may (a) fix open and closed seasons on any one or more or all species of such fish, (b) set bag limits and size limits therefor, and (c) prescribe and limit the kind and amount of fishing gear and appliances and bait that may be used in taking the same. Such regulations may vary from one county to another, or from one part of a county to another, and may specify certain days of the week or certain hours of the day in fixing open seasons.

For the purposes of this chapter: 'introduced fresh water or salt water fish' means any fish, mollusk or crustacean, including its spawn or ova, which is not native to the marine or fresh waters of the Territory, and which has been, or may hereafter be, introduced or planted in the marine or fresh waters or tidelands of the Territory; and 'take' means to hunt, pursue, catch, capture, kill or possess, or attempt to hunt, pursue, catch, capture or kill. [L. 1913, c. 120, s. 1; am. L. 1915, c. 130, s. 1; R. L. 1925, s. 774; am. L. 1925, c. 142, s. 1; am. imp. L. 1927, c. 264; R. L. 1935, s. 388; R. L. 1945, s. 1240; am. L. 1953, c. 65, s. 1.]

**Sec. 1241. Penalty.** It shall be unlawful for any person to take any introduced fresh water or salt water fish in violation of any rule or regulation prescribed by the

board under the provisions of section 1240. Any person violating any such rule or regulation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), or by imprisonment of not more than ninety days, or by both fine and imprisonment." [L. 1913, c. 120, ss. 2, 3; am. imp. L. 1919, c. 121, s. 4; am. L. 1921, c. 72, s. 1; R. L. 1925, ss. 775, 776; am. L. 1925, c. 142, s. 2; R. L. 1935, s. 389; R. L. 1945, s. 1241; am. L. 1953, c. 65, s. 1.]

SECTION 2. Sections 1239, 1242, 1243 and 1244 of the Revised Laws of Hawaii 1945 are hereby repealed. Nothing contained in this Act shall be construed to repeal, amend or otherwise affect any other section of chapter 19 of the Revised Laws of Hawaii 1945, as amended.

SECTION 3. This Act shall take effect upon its approval. (Approved May 9, 1953.) **H. B. 507, Act 65.**

#### **INTRODUCED FRESH WATER GAME FISH.**

§ 1241.01-.04. **Introduced fresh water game fishing; license, etc.** NEW, **Sp. L. 1949, Act 57 [A-10].**

#### **Series A-37: ACT 58**

An Act Authorizing the Board of Commissioners of Agriculture and Forestry to Establish, Manage and Regulate Fresh Water Fishing Reserves and Refuges and Public Fishing Areas, and Providing Penalties.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 19 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following sections to be appropriately numbered.

**"[Sec. 1241.05]. Fresh water fishing reserves, refuges and public fishing areas.** For the purposes of preserving, protecting, conserving and propagating introduced fresh water fishes, the board of commissioners of agriculture and forestry shall have the power to establish, maintain, manage and operate fresh water fishing reserves, refuges and public fishing areas on such streams, rivers, ponds or other fresh water areas under its control as it may deem desirable. The board shall have power to enter into agreements for the taking of control of the fishing rights of privately owned bodies of fresh water for such purposes. The board shall have power, with the approval

of the governor, to make and amend such rules and regulations as it may deem necessary for the regulation of such reserves, refuges and fishing areas. [L. 1953, c. 58, s. 1.]

[Sec. 1241.06]. **Penalty.** It shall be unlawful for any person to enter any fresh water fishing reserve or refuge or public fishing area established under the provisions of the preceding section without having first obtained a permit, when required by rule or regulation, from the board of commissioners of agriculture and forestry or to violate any rule or regulation adopted by the board governing such places. Any person violating the provisions of this section or any rule or regulation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), or by imprisonment of not more than ninety days, or by both fine and imprisonment." [L. 1953, c. 58, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 5, 1953.) **H. B. 505, Act 58.**

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### Series A-38: ACT 57

An Act Relating to the taking of Fish and  
Other Marine Products in the Leeward Islands of  
the Territory of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1241.07]. **SECTION 1. Definition.** Those islands, reefs and shoals of the Hawaiian island chain beginning and including French Frigate Shoals to and including Kure Island shall, for the purpose of this Act, be referred to as the Leeward Islands of the Territory of Hawaii. "Board" is the board of commissioners of agriculture and forestry. [L. 1953, c. 57, s. 1.]

[Sec. 1241.08]. **SECTION 2. Regulations.** The board may be regulation, with the approval of the governor, enact regulations relating to seasons, fishing methods and appliances, and, the relation of same to any part of or the whole of the Leeward Islands, where, in the judgment of the board such action will not deplete the stocks of fish and shell fish in said area or areas. [L. 1953, c. 57, s. 2.]

[Sec. 1241.09]. **SECTION 3. Permits.** The board shall have the power to issue permits to those persons holding a valid commercial fishing license who own or operate a vessel deemed capable by the board for effectively fishing within

the Leeward Islands, and, whenever the board deems necessary, it shall have power to limit the number of permits issued to fish in any particular area and such limitation shall be on the basis of the order of application for permits. Permits shall be limited to persons utilizing methods or appliances for fishing approved by regulation of the board, which need not be legal elsewhere within the Territory of Hawaii, and such permittees may take species of fish or shell fish, when and as approved by regulation of the board, during times when the legal season for taking such species elsewhere in the Territory of Hawaii is closed. The fee for the Leeward Islands fishing permit shall be one dollar (\$1.00). [L. 1953, c. 57, s. 3.]

[Sec. 1241.10]. **SECTION 4. Penalty.** Any person violating the provisions of this Act or rule or regulation made pursuant to it shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment of not more than ninety days or by both fine and imprisonment. [L. 1953, c. 57, s. 4.]

**SECTION 5.** This Act shall take effect upon its approval. (Approved May 5, 1953.) **H. B. 501, Act 57.**

§§ 1242-1244. **Rep. L. 1953, Act 65 [A-36] supra.**

§ 1246. **Crustaceans with eggs.** **Am. L. 1949, Act 211 [A-37],** rewritten p. 70.

§ 1256. **Definitions.** **Am. Sp. L. 1949, Act 51 [A-11],** rewritten p. 17.

§§ 1257-1259. **Commercial fishing permits.** **Am. L. 1949, Act 272 [A-40].**

§ 1260. **Penalties; revocation of license, when.** **Am. L. 1947, Act 39 [A-34]; Am. L. 1949, Act 272 [A-40].**

§ 1261. **Statements.** **Am. L. 1947, Act 39 [A-34].**

§§ 1263.01-.02. **Reports; cancellation of permit.** **NEW, L. 1945, Act 23 [A-27].**

§§ 1265, 1266, 1266.01. **Fish dealers to report, etc.** **Am. L. 1945, Act 24 [A-28].**

## Chapter 20. FOOD PRODUCTS.

§§ 1301-03. **Food inspection.** **Rep. L. 1945, Act 252 [A-29].**

§§ 1301.01-.14. **Food, grades of.** **NEW, L. 1947, Act 195 [A-35].**

### Series A-39: ACT 242

An Act to Amend Section 1308 of the Revised Laws of Hawaii 1945, Relating to the Advertising of Eggs Sold in Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1. Section 1308** of chapter 20 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof the following:

"The board shall have the power to regulate the character of all newspaper advertising, posters or signs, as to the size, grade, and geographical origin of eggs imported and sold in the Territory of Hawaii." [L. 1931, c. 70, s. 5; R. L. 1935, s. 1077; am. L. 1935, c. 164, s. 1; am. L. 1939, c. 175, s. 1; R. L. 1945, s. 1308; am. L. 1953, c. 242, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **H. B. 1093, Act 242.**

### Series A-40: ACT 90

An Act Regulating the Sale and Distribution of Certain Commodities, including Eggs and Simple Feeding Stuffs; Providing for Seizure and Other Penalties; and Amending Chapter 20 of the Revised Laws of Hawaii 1945, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 20 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section immediately following section 1308 to be known as section 1308.01 reading as follows:

"**Sec. 1308.01. [Signs and labels.]** The signs and labels required by section 1308 shall likewise be affixed to the cartons, crates, and cases containing eggs required to be marked as in said section provided." [L. 1953, c. 90, s. 1.]

SECTION 2. Chapter 20 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new subtitle immediately following section 1310 to read:

#### "SIMPLE FEEDING STUFFS"

**Sec. 1310.01. Purpose.** Some simple feeding stuffs sold in the Territory of Hawaii have had harmful and injurious effects when fed to domestic animals. Adulterations or misbranding with respect to simple feeding stuffs have resulted in losses to livestock producers in the Territory. It is hereby declared to be the policy of the legislature to protect livestock producers by providing such controls over the sale and distribution of simple feeding stuffs as will prohibit such adulterations or misbrandings and, as will restrict sales of simple feeding stuffs which may be harmful and injurious to animals in the Territory. [L. 1953, c. 90, s. 2.]

**Sec. 1310.02. Definitions.** As used in this Act the term:

(a) 'Board' means the board of commissioners of agriculture and forestry or its authorized agents.

(b) 'Label' means and includes any written, printed or graphic matter upon or affixed to any can, sack or other container of simple feeds.

(c) 'Simple feeding stuff' means any single feeding stuff which is used for the purpose of feeding domestic animals including poultry or for manufacturing mixed feeding stuffs. The name of a simple feeding stuff shall be that defined in the current Official Publication of the Association of American Feed Control Officials, Incorporated. Whenever the name of a simple feeding stuff is not defined in the current publication of the Association of American Feed Control Officials, Incorporated, the name of the simple feeding stuff shall be that officially defined by the state of its origin or should the state of origin have no official definition for it, the common English name thereof shall be used.

(d) 'Animal' means any domestic animal including poultry.

(e) 'Person' means any individual, partnership, firm, corporation or association.

(f) 'Respondent' means a person against whom a complaint is issued with respect to a specific lot of simple feeding stuff.

(g) 'Adulterated simple feeding stuff' means: (1) that it contains some substance which may render it injurious to animals; or (2) that some substance has been substituted wholly or in part therefor; or (3) that damage or inferiority has been concealed in some manner; or (4) that it has been rendered poisonous or injurious to animals by some substance, device, or physical or other factor in the process of manufacture, packing, transportation or storage.

(h) 'Misbranded simple feeding stuff' means: (1) that its label is false or misleading in some manner, or (2) that it is not labeled as provided by regulation promulgated by the board. [L. 1953, c. 90, s. 2.]

**Sec. 1310.03. Powers and duties of the board.** The board is empowered: (1) to prescribe rules and regulations governing the sale, distribution and labeling of adulterated or misbranded simple feeding stuffs; (2) to impound any simple feeding stuff believed to be adulterated or misbranded and to hold such feeding stuff in custody for a length of time sufficient to determine if it is adulterated or misbranded; (3) to perform any and all tests and conduct such investigations as are necessary to determine the type and extent of the adulteration

or misbranding; and (4) to conduct hearings to evaluate the findings of such tests or investigations and to decide what disposition shall be made of such simple feeding stuffs. [L. 1953, c. 90, s. 2.]

**Sec. 1310.04. Prohibited acts.** The following acts and the causing thereof within the Territory by any person are hereby prohibited:

(a) The manufacture, sale, delivery, or offering or exposing for sale of any simple feeding stuff that is adulterated or misbranded.

(b) The refusal to permit entry, inspection or taking of samples of simple feeding stuffs at all reasonable times by the board.

(c) The movement or disposal of impounded adulterated or misbranded simple feeding stuffs without the approval of the board. [L. 1953, c. 90, s. 2.]

**Sec. 1310.05. Enforcement.** The board is empowered to enforce the provisions of this Act and rules and regulations promulgated thereunder and is authorized to enter at all reasonable times any premises and procure samples for analysis from any lot, parcel or package of simple feeding stuffs. [L. 1953, c. 90, s. 2.]

**Sec. 1310.06. Impounding procedures.** When a lot of simple feeding stuff is believed by the board to be adulterated or misbranded, the board shall impound such lot by notifying the owner and affixing to such lot a notice that such simple feeding stuff is impounded. [L. 1953, c. 90, s. 2.]

**Sec. 1310.07. Disposal of adulterated or misbranded simple feeding stuff.** If the board finds that a simple feeding stuff is adulterated or misbranded, such feeding stuff shall be processed, properly labeled or otherwise handled or treated under the supervision of the board so that the adulteration or misbranding is corrected; or, if this be impossible such feeding stuff shall be destroyed or otherwise disposed of under the supervision of and as directed by the board in a manner consistent with and in accordance with the order of the board. Any and all costs, fees and expenses incurred in storing, handling, transporting, labeling, processing, treating, and destroying or any other costs and expenses that may be incurred in connection with the simple feeding stuff shall be charged to the respondent. The respondent shall pay all court costs and fees and shall pay fees and expenses

for all supervision performed by the board. [L. 1953, c. 90, s. 2.]

**Sec. 1310.08. Appeal to circuit court.** The circuit court of the circuit in which the simple feeding stuff was impounded shall have jurisdiction to affirm, vacate or modify any order of the board.

Any respondent who shall deem himself to be aggrieved by any order of the board as to the removal or disposal of any simple feeding stuff, may file an appeal therefrom in the office of the clerk of the circuit court of the circuit in which the simple feeding stuff was impounded within thirty days of the impounding thereof. Such action may be upon the grounds that such order is arbitrary or unreasonable or contrary to law and shall be prosecuted against said board.

The proceedings shall not operate to suspend the order appealed from unless upon a proper order of the court.

Upon service of summons, the president or an authorized agent of said board shall within fifteen days transmit to the clerk of the court the record of the proceedings, including the original papers, reports and exhibits filed with him, and a transcript of all evidence in the matter complained of. Such proceedings shall then be at issue and shall be assigned for trial at the earliest possible date.

The court may set aside, amend or affirm such order. If the court shall set aside or amend such order it shall render its decision setting forth wherein such charges are erroneous, together with such rules of law and such findings of fact as will enable a proper order to be entered. Within ten days after the decision of the court has been entered the board shall submit to the court a new order consistent with the decision, which shall take effect and be final upon the expiration of five days thereafter, unless an objection or appeal thereto is filed with the court within such period. In the event of such objection, such order or such modified order as may thereafter be submitted to the court, shall take effect and be final when determined by the court to be consistent with its decision, and the court may require the reporting of modified orders as may be necessary.

The court shall prescribe the procedure to be followed in the case of such appeals. [L. 1953, c. 90, s. 2.]

**Sec. 1310.09. Disposition of fees and charges.** All fees, charges, expenses and other moneys collected pursuant to the provision of this Act shall be deposited in the treas-



ury of the Territory in the marketing inspection and agricultural control fund and shall be used for the administration and enforcement of the Act and are hereby appropriated for such purpose. [L. 1953, c. 90, s. 2.]

**Sec. 1310.10. Violation; penalties.** Every person who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars for the first offense and a fine of not less than one hundred dollars nor more than one thousand dollars for each offense thereafter." [L. 1953, c. 90, s. 2.]

SECTION 3. Nothing contained in this Act shall be construed to repeal, amend or in any wise affect the provisions of any other law relating to feeds or foods. [L. 1953, c. 90, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved May 18, 1953) **H. B. 823. Act 90.**

§§ **1311-16. Perishables.** **Rep. L. 1945, Act 252 [A-29].**

§§ **1311.01-10. Marketing of agricultural commodities.** **NEW, L. 1945, Act 252 [A-29].**

§ **1311.06. Rep. L. 1949, Act 114 [A-41].**

§§ **1312.01-14. Regulating dealers in farm produce.** **Am. L. 1951, Act 74 [A-36].**

§§ **1313.01-06. Inspection of fruits, vegetables and nuts.** **NEW, L. 1949, Act 117 [A-42].**

§ **1313.03. Rules and regulations.** **Am. Sp. L. 1949, Act 56 [A-12].**

§ **1313.06. Disposition of moneys collected.** **Am. Sp. L. 1949, Act 56 [A-12].**

§§ **1314.01-06. Industrial research advisory council.** **NEW, L. 1949, Act 122 [A-43].**

§ **1314.01. Industrial research advisory council.** **Am. L. 1951, Act 217 [A-37], rewritten with section 1314.03, p. 123.**

§ **1314.03. Industrial research program.** **Am. L. 1951, Act 217 [A-37].**

§§ **1320.01-02. Mixed foodstuffs.** **NEW, L. 1947, Act 84 [A-36], rewritten p. 123.**

§ **1320.03. Inspectors.** **NEW, L. 1947, Act 84 [A-36]; Am. L. 1951, Act 56 [A-38], rewritten p. 125.**

§ **1320.04-10. Mixed foodstuffs.** **NEW, L. 1947, Act 84 [A-36].**

## Chapter 21. PLANT LIFE, SEEDS, SOILS.

§§ **1354-63. Re seeds.** **Rep. L. 1945, Act 90 [A-30].**

§§ **1354.01-10. Labelling, sale of seeds.** **NEW, L. 1945, Act 90 [A-30].**

## Chapter 21A. SOIL CONSERVATION DISTRICTS.

§§ **1371.01-12. Soil conservation.** **NEW, L. 1947, Act 191 [A-37].**

## Chapter 21B. WEED CONTROL.

§§ 1375.01-.09. **Weed control.** NEW, L. 1949, Act 357 [A-45].

§§ 1375.01A, 1375.03, 1375.05, 1375.05A, 1375.05B. **Regulating weed control substances having plant hormone characteristics.** Am. L. 1951, Act 76 [A-39].

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## Chapter 21C. WATER DEVELOPMENT.

§§ 1380.01-.07. **Water resources, protection of.** NEW, L. 1949, Act 274 [A-46].

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## Title 3: ATTORNEY GENERAL'S DEPARTMENT.

## Chapter 22. ATTORNEY GENERAL.

§ 1509.01. **Prohibition on private practice of law by the attorney general, assistants and deputies.** Am. L. 1953, Act 105 [A-41], *infra*.

§ 1511. **Investigators, appointment and powers.** Am. L. 1951, Act 163 [A-40].

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## Series A-41: ACT 105

An Act Relating to Legal and Related Services for the Territory, the Several Counties, and the City and County of Honolulu, and Departments and Agencies thereof; Amending Chapters 9, 22, 71, 74, 122, 127 and 290, as Amended, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 9 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be numbered and to read as follows:

**"Sec. 367.01. Employment of attorneys.** (a) No department of the Territory, other than the attorney general, shall make any expenditure of public funds for the employment or retention by contract or otherwise of any attorney for the purpose of representing the Territory or such department in any litigation, rendering legal counsel to such department, or drafting legal documents for such department; **provided**, however, that the foregoing provision shall not apply to:

- (1) Hawaii Housing Authority;
- (2) Any court or judicial or legislative officer of the Territory;
- (3) Legislative Reference Bureau, and such compilation commission as may be constituted from time to time;
- (4) In the event the attorney general, for reasons deemed by him good and sufficient, shall decline such

representation or counsel, or shall approve such department's expenditure; **provided** the governor thereupon waives the provisions of this section.

(b) For the purposes of this section the term 'department of the Territory' shall mean and include any department, board, commission, agency, bureau or officer of the Territory.

(c) Every attorney employed by any such department of the Territory on full time basis shall become a deputy attorney general." [L. 1953, c. 105, s. 1.]

SECTION 2. Section 4104 of chapter 71 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 4104. Director of labor and industrial relations.**

The commission shall appoint a director of labor and industrial relations who shall not be subject to any civil service act relating to territorial employees. The director, subject to the direction and control of the commission, shall be the chief administrative officer of the department of labor and industrial relations and shall have supervision and control of all bureaus created under the provisions of this chapter, and, subject to such direction and control, shall have such other powers and duties as are hereinafter provided for and as may from time to time be prescribed by law. The director shall devote his entire time to the duties of his office. The director shall not serve on or under any committee of a political party." [L. 1939, c. 237, s. 1 (3); R. L. 1945, s. 4104; am. L. 1953, c. 105, s. 2.]

SECTION 3. Chapter 71 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be numbered and read as follows:

**"Sec. 4104.01. Legal assistance.** The attorney general of the Territory shall be the legal advisor to the department of labor and industrial relations, and all legal duties involved in the work of said department shall be performed by the attorney general's department." [L. 1953, c. 105, s. 3.]

SECTION 4. **Section 4269** of chapter 74 of the Revised Laws of Hawaii 1945, as amended by Act 195 of the Session Laws of 1951, is hereby further amended as follows:

(a) By deleting from the sixth line of subsection (1) thereof the word "attorneys" and the comma immediately thereafter.

(b) By deleting from the third line of subsection (3) thereof the following words and punctuation: "or to attorneys for

the bureau of employment security, or the attorney for the department of labor and industrial relations.”.

(c) By adding to said section 4269 a further subsection to be appropriately numbered and to read as follows:

“The deputy attorney general or deputies attorney general assigned by the attorney general to furnish the legal services necessary in carrying out the provisions of this chapter shall be compensated by the board.” [s. 10 (a) ; L. 1939, c. 219; am. L. 1941, c. 304, s. 1; pt. of subs. 32; R. L. 1945, s. 4269; am. L. 1953, c. 105, s. 4.]

SECTION 5. **Section 4293** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the period at the end of subsection (a) and adding the following:

“in conformity with section 367.01.” [s. 16; L. 1939, c. 219; R. L. 1945, s. 4293; am. L. 1953, c. 105, s. 5.]

SECTION 6. **Section 6271** of chapter 122 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“**Sec. 6271. Reports to attorney general.** Each county attorney when elected, and his deputies or assistants shall become deputies of the attorney general of the Territory, and such county attorney shall report to the attorney general from time to time as may be required by him.” [L. 1905, c. 39, s. 95; R. L. 1925, s. 1673; R. L. 1935, s. 2868; R. L. 1945, s. 6271; am. L. 1953, c. 105, s. 6.]

SECTION 7. **Section 6528** of chapter 127 of the Revised Laws of Hawaii 1945 is hereby amended by amending the last sentence thereof to read as follows:

“The public prosecutor and his deputies or assistants and the city and county attorney and his deputies or assistants shall become deputies of the attorney general of the Territory, and the public prosecutor and the city and county attorney shall report to the attorney general from time to time as may be required by him.” [L. 1907, c. 118, ss. 24, 116; R. L. 1925, ss. 1751, 1820; am. L. 1932, 1st, c. 13, pt. of s. 1, s. 3; R. L. 1935, s. 3036; am. L. 1939, c. 242, s. 4 (20); R. L. 1945, s. 6528; am. L. 1953, c. 105, s. 7.]

SECTION 8. Chapter 290 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be numbered and to read as follows:

“**Sec. 12047.02. Prohibition on the private practice of law by attorneys for small estates.** No person who, pursuant to sections 12037 to 12047.01, or any of them, per-

forms any services as or for the clerk of the first circuit court, for which he is compensated from public funds, shall engage in the private practice of law, **provided**, however, that he shall be entitled to accept fees or other compensation in connection with masterships." [L. 1953, c. 105, s. 8.]

SECTION 9. Chapter 22 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section, to be numbered and to read as follows:

**"Sec. 1509.01. Prohibition on private practice of law by the attorney general, assistants, and deputies.** The attorney general, his assistants and deputies shall devote their entire time and attention to the duties of their respective offices. They shall not engage in the private practice of law, nor accept any fees or emoluments other than their official salaries for any legal services; **provided**, however, that the attorney general, his assistants and deputies shall be entitled to accept fees or other compensation in connection with masterships; and **provided** further that the county attorneys of the counties other than the city and county of Honolulu, and their respective deputies and assistants, may practice law outside of office hours. This section shall not apply to any special deputy employed on a part time basis for a limited period." [L. 1953, c. 105, s. 9.]

SECTION 10. All laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event the provisions of this Act or the application thereof to particular circumstances, prevents the Territory or any department from qualifying for the benefits of any Act of Congress making grants or allotments of federal aid moneys, the governor shall waive the provisions of this Act to the extent necessary to qualify for such benefits.

SECTION 12. If any section, sentence, clause or phrase of this Act or the application thereof to any person or circumstances shall be held invalid, the remaining portion of this Act or the application of the Act to other persons or circumstances shall not be affected. The Legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared invalid.

SECTION 13. This Act shall take effect on July 1, 1953.  
(Approved May 19, 1953.) H. B. 628, Act 105.

Chapter 23. HIGH SHERIFF, ETC.

§ 1522.01. Salary of high sheriff. NEW, L. 1949, Act 296 [A-47].

Chapter 23.01. BUREAU OF CIVIL IDENTIFICATION.

§§ 1540-1540.18. Identification Bureau. NEW, L. 1947, Act 246 [A-38].

Chapter 23.02. BUREAU OF CRIME STATISTICS.

§§ 1541-1541.04. Crime statistics. NEW, L. 1947, Act 246 [A-38].

Title 4: AUDIT AND BUDGET.

Chapter 24. AUDIT DEPARTMENT; DUTIES.

§ 1575. Payment to territory under protest. Am. L. 1951, Act 224 [A-41].

§ 1581.01. Auditors to make certain deductions, when. NEW, L. 1949, Act 275 [A-48].

§§ 1603.01-.02. Destruction of warrants. NEW, L. 1947, Act 147 [A-39]. See L. 1949, Act 256 [B-177].

Chapter 25. BUDGET BUREAU.

§ 1626. Claims for legislative relief must be filed with; conditions. Am. L. 1949, Act 324 [A-49].

§ 1628. Bond requirements. See L. 1945, Act 8 [E-220].

Chapter 26. INVENTORY, ETC.

§§ 1651, 1652. By territorial and county officers. Am. L. 1945, Act 151 [A-31], rewritten pp. 51-53.

§ 1653. By county officers to supervisors. Am. L. 1951, Act 20 [A-42], rewritten p. 136.

**Series A-42: ACT 24**

An Act to Amend Section 1653 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Maintenance of Inventory of Government Assets by County Officers.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1653 of the Revised Laws of Hawaii 1945, as amended by Act 20 (Series A-42) of the Session Laws of 1951, is hereby further amended as follows:

a. By deleting in line 4 of said section, as amended, the word "August", and inserting in lieu thereof the word "February".

b. By deleting in line 8 of said section, as amended, the word and figure "July 1", and inserting in lieu thereof the word and figure "December 31". [L. 1929, c. 137, s. 1; R. L. 1935, s. 622; R. L. 1945, s. 1653; am. L. 1951, c. 20, s. 1; am. L. 1953, c. 24, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved April 22, 1953.) S. B. 259, Act 24.

§ 1653, as amended reads as follows:

**Sec. 1653. By county officers to supervisors.** It shall be the duty of every officer, head of department, agent, employee and other person in the employ of the county, having in his custody or under his control or in anywise using property belonging to the county, on or before February 15 of each year to prepare and file with the board of supervisors of the county a return or inventory, sworn to before a person authorized by law to administer oaths, containing a full, true and complete list of detailed items of all property of whatsoever nature (as of December 31 of each year for which such return or inventory is made) belonging to the county, and in the possession, custody, control or use of such officer, head of department, agent, employee or other person so making the return or inventory, or the offices or departments over which he presides, and containing further opposite each item a statement of the full cash value of the property therein named according to the best knowledge, information and belief of the officer, head of department, agent, employee or person making such return or inventory. [L. 1929, c. 137, s. 1; R. L. 1935, s. 622; R. L. 1945, s. 1653; am. L. 1951, c. 20, s. 1; am. L. 1953, c. 24, s. 1.]

§ 1654. **Court inventories, etc.** Am. L. 1945, Act 151 [A-31].

§§ 1655, 1657. **Duties of auditors.** Am. L. 1945, Act 151 [A-31].

## Title 5: EDUCATION.

### Chapter 27. DEPARTMENT OF EDUCATION.

#### Series A-43: ACT 92

An Act to Amend Section 1711, Chapter 27,  
Revised Laws of Hawaii 1945, Relating to the Department of Public Instruction Secretary and His Duties.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1711, chapter 27, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

**"Sec. 1711. Secretary, duties.** The department shall employ a secretary subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, as amended. The secretary shall record the doings and transactions of the department, take minutes of all its meetings, noting the same in the book of record; keep the minutes of the

various committees, if so requested; carry on the necessary correspondence; and do and perform all other acts and things as may be required of him by the department." [L. 1896, c. 57, s. 15; R. L. 1925, s. 296; R. L. 1935, s. 715; R. L. 1945, s. 1711; am. L. 1953, c. 92, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) H. B. 898, Act 92.

§ 1721. **Dental Hygiene.** Am. L. 1945, Act 231 [A-32].

§§ 1726.01-.05. **Adult Education.** NEW, L. 1945, Act 108 [A-33].

### Series A-44: ACT 130

An Act to Amend Act 108, Session Laws of Hawaii 1945, Relating to Establishment and Regulation of a Program of Adult Education under the Direction and Supervision of the Department of Public Instruction.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1726.02]. SECTION 1. Act 108, Session Laws of Hawaii 1945, is hereby amended in the following respects:

(a) Amend subsection "f" of section 2 of said Act to read as follows:

"f. **Naturalization training.** The standard course of training provided by the U. S. Immigration and Naturalization Bureau shall be provided to all those who have filed applications for United States citizenship and desire to enroll in such a course under the supervision of the adult education division." [L. 1945, c. 108, s. 2; am. L. 1953, c. 130, pt. of s. 1.]

(b) Amend section 3 of said Act to read as follows:

[Sec. 1726.03]. "Section 3. **Advisory council.** This program is placed under the department of public instruction which shall appoint an advisory council for adult education composed of fifteen or more representatives of industry, labor, civic organizations and education. Appointments shall be for a term of two years with re-appointments optional but not to exceed a total of six years on the advisory council." [L. 1945, c. 108, s. 3; am. L. 1953, c. 130, pt. of s. 1.]

(c) Amend section 4 of said Act to read as follows:

[Sec. 1726.04]. "Section 4. **Financing the program.** The financial support for this program shall be in part from fees collected from students enrolled, and in part out of public funds appropriated for this purpose. Fees shall be



set in accordance with the recommendations of the advisory council, and may be collected from students regularly enrolled; **provided**, that

a. Adults registered with the territorial employment bureau and unemployed shall be granted free enrollment in such courses as will tend to assist in securing employment.

b. Adults certified by the department of welfare as indigent may be enrolled on a non-fee basis in classes that will tend to assist such persons in becoming self-sustaining.

c. Discharged veterans who are entitled to federal educational assistance shall be enrolled upon authorization of the veterans administration and fees shall be charged against federal funds in accordance with veterans administration contract regulations.

d. Administrative and supervisory costs, costs of instruction and all other necessary expenses not covered by fees and other authorized charges shall be paid for out of funds appropriated for this purpose." [L. 1945, c. 108, s. 4; am. L. 1953, c. 130, pt. of s. 1.]

SECTION 2. Delete section 5 of said Act 108, Session Laws of Hawaii 1945.

SECTION 3. This Act shall take effect on July 1, 1953.  
(Approved May 25, 1953.) **H. B. 896, Act 130.**

## Chapter 28. PERSONNEL OF PUBLIC AND PRIVATE SCHOOLS.

### Series A-45: ACT 93

An Act to Amend Section 1742, Chapter 28,  
Revised Laws of Hawaii 1945, Relating to Public  
School Principals and Teachers.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 1742**, chapter 28, Revised Laws of Hawaii 1945, is hereby amended by amending the first proviso, appearing in the second sentence, to read as follows:

**"provided**, however, that no teacher shall be designated by the department as principal or acting principal of any school unless such teacher shall have served as a teacher in any of the schools of the Territory, whether public or private, for a period of not less than three years;". [L. 1896, c. 57, s. 17; am. L. 1917, c. 65, s. 1; R. L. 1925, s. 297; am. L. 1925, c. 162, s. 1; am. L. 1931, c. 280, s. 1;

R. L. 1935, s. 716; R. L. 1945, s. 1742; am. L. 1953, c. 93, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) **H. B. 900, Act 93.**

§ 1744. **Teachers; dismissal; trial.** Am. L. 1949, Act 68 [A-50], rewritten p. 95.

§ 1746. **Teachers; qualifications; certificates.** Am. L. 1949, Act 68 [A-50], rewritten p. 95.

§ 1751. **Leaves of absence authorized.** Am. L. 1951, Act 5 [A-43].

§ 1752. **Pay while absent.** Am. L. 1951, Act 5 [A-43], and Act 4 [A-44], rewritten p. 138.

### Series A-46: ACT 12

An Act to Amend Section 1752 of the Revised Laws of Hawaii 1945, as Amended, Relating to Leaves of Absence for Teachers.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 1752** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

a. By deleting the first proviso thereof.

b. By deleting the words "and provided, further" in the second proviso thereof and substituting the word "provided".

c. By adding thereto the following sentence:

"A teacher granted such leave may engage in any form of employment provided that the conditions established in section 1753 are fulfilled." [L. 1935, c. 75, s. 2; R. L. 1945, s. 1752; am. L. 1951, c. 5, s. 2 and c. 4, s. 1; am. L. 1953, c. 12, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved April 20, 1953.) **S. B. 163, Act 12.**

§ 1752, as amended, reads as follows:

**Sec. 1752. Pay while absent.** The said department is further authorized and directed to pay to the teacher granted such leave of absence the difference between the minimum salary provided for the position vacated and the salary to which such teacher would be entitled if regularly reappointed, such payment to be made in twelve monthly installments, the last two of which shall not be made until after the teacher has returned to his or her position within thirty days after the opening of the next school year. This period may be extended by the superintendent of public instruction in cases where, in his opinion, there are good and sufficient reasons for so doing; provided that such leave shall not be extended beyond one year and may not be repeated until after a period of seven additional years of service. A teacher granted such leave may engage in any form of employment provided that the conditions

established in section 1753 are fulfilled. [L. 1935, c. 75, s. 2; R. L. 1945, s. 1752; am. L. 1951, c. 5, s. 2 and c. 4, s. 1; am. L. 1953, c. 12, s. 1.]

§ 1755 Department control; minimum. Am. L. 1951, Act 325 [A-45].

§ 1755.01. Cafeteria manager. NEW, L. 1951, Act 267 [A-46].

§ 1758. Definitions, classification. Am. L. 1951, Act 325 [A-45].

§ 1758.01. Rep. L. 1951, Act 325 [A-45].

§ 1759. Salary schedule. Am. L. 1951, Act 325 [A-45]. Am. L. 1953, Act 278 [A-5] supra.

### Series A-47: ACT 142

An Act Relating to the Salaries of School Teachers, Amending Section 4 of Act 325 of the Session Laws of Hawaii 1951, and Making An Appropriation.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4 of Act 325 of the Session Laws of Hawaii 1951 is hereby amended by deleting the proviso in subsection 6 thereof.

[Sec. 1759.01]. SECTION 2. [Transfer to new schedule.] Notwithstanding any provision of any law to the contrary, all teachers in the department of public instruction shall be transferred on July 1, 1953, to the teachers' schedule prescribed in section 1759 of the Revised Laws of Hawaii 1945, as amended by Act 325 of the Session Laws of Hawaii 1951, hereinafter referred to as the "new schedule". Such transfer shall be on the basis of compensation received on June 30, 1953, regardless of years of experience. A teacher shall be placed in the new schedule in the salary grade of his appropriate class in which he shall receive a salary equal to his compensation as of June 30, 1953. If the appropriate class does not contain a salary grade equal to his compensation as of June 30, 1953, such teacher shall be placed in the next higher salary grade of his appropriate class in the new schedule.

Any teacher not receiving the maximum salary prescribed in the new schedule shall thereafter have his salary increased by one increment on the next succeeding date set by the department of public instruction for increases in salary and so on up to but not exceeding the maximum rate for his class. [L. 1951, c. 325, s. 4; am. L. 1953, c. 142, s. 2.]

[Sec. 1759.02]. SECTION 3. [Same.] Any teacher who, on or after June 30, 1951, and prior to the effective date of this Act had completed twelve years of teaching experience,

shall be paid on or before June 30, 1953, an amount equal to the difference between the salary received during the 1951-1953 biennium and the salary he would have received during such period had he been transferred to the new schedule on July 1, 1951, on the basis of compensation received by him on June 30, 1951, in the same manner as prescribed in section 2 of this Act. On and after July 1, 1953, such teacher shall be placed in the new salary schedule in the salary grade of the appropriate class in which he would have been placed had the transfer described in this paragraph been effected on July 1, 1951, and he had received annual increments subsequent thereto. [L. 1953, c. 142, s. 3.]

[Sec. 1759.03]. SECTION 4. [Appropriation.] There is hereby appropriated the sum of \$21,456.00 or so much thereof as may be necessary to carry out the purposes of this Act. This sum shall be expended by the department of public instruction in the same manner as other appropriations made for the operations of the department. [L. 1953, c. 142, s. 4.]

SECTION 5. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 29, 1953.) S. B. 207, Act 142.

§ 1760. Change in classification. Am. L. 1951, Act 325 [A-45].

§ 1760.01. Terminology. NEW, L. 1949, Act 339 [A-51].

§ 1761. Vocational and special teachers. Am. L. 1951, Act 325 [A-45].

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### Series A-48: ACT 11

An Act to Amend Section 1761 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Rating and Compensation of Vocational and Special Teachers.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1761 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the remainder of the paragraph after the word "greater" in the sixth line thereof and substituting therefor the following:

"the rate shall be increased proportionately by the department; **provided**, that in the case of vocational agricultural teachers such increase shall not be less than thirty per centum, and in the case of prevocational agricultural teachers not less than fifteen per centum; and further **provided**, that in determining the classification and rating of vocational and special teachers, the depart-

ment shall allow credit for practical experience." [Sp. L. 1941, c. 83, pt. of s. 1; R. L. 1945, s. 1761; am. L. 1951, c. 325, s. 2; am. L. 1953, c. 11, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved April 20, 1953.) S. B. 91, Act 11.

§ 1762. **Classification of other officers and employees.** Am. L. 1951, Act 325 [A-45].

§ 1763. **Increase in salary ratings.** Am. L. 1951, Act 325 [A-45].

§ 1764-66. **Rep. L. 1951, Act 325 [A-45].**

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## Chapter 29. MAINTENANCE OF PUBLIC SCHOOLS.

### Series A-49: ACT 251

An Act to Amend Sections 1802 and 1804 of the Revised Laws of Hawaii 1945, Relating to the Maintenance of Public Schools.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 1802** of the Revised Laws of Hawaii 1945 is hereby amended as follows:

a) by adding to the form of the special school fund budget set forth therein a new item as follows: "8. Paper towels, soap, and toilet tissue," and

b) by substituting a comma for the period after the word "therein" in the second line of the second paragraph thereof and inserting immediately thereafter the following: "**provided**, however, that the board shall include in such budget adequate appropriations to furnish all pupils with the necessary supplies of paper towels, soap, and toilet tissue." [L. 1911, c. 88, s. 4; R. L. 1925, s. 339; am. L. 1932, 2d, c. 57, s. 4; am. L. 1933, c. 112, s. 1; R. L. 1935, s. 773; am. sp. L. 1941, c. 27; pt. of s. 2; R. L. 1945, s. 1802; am. L. 1953, c. 251, s. 1.]

SECTION 2. **Section 1804** of the Revised Laws of Hawaii 1945 is hereby amended by substituting a semicolon for the period after the word "made" in the seventeenth line thereof and inserting immediately thereafter the following: "**and provided**, further, that adequate moneys shall always be appropriated to furnish all pupils with the necessary supplies of paper towels, soap, and toilet tissue." [L. 1911, c. 88, s. 6; am. L. 1913, c. 48, s. 3; am. L. 1915, c. 8, s. 1; R. L. 1925, s. 342; am. L. 1929, c. 199, s. 1; am. L. 1932, 2d, c. 57, s. 6; R. L. 1935, s. 775, R. L. 1945, s. 1804; am. L. 1953, c. 251, s. 2.]

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **S. B. 414, Act 251.**

Chapter 30. SCHOOLS \* \* \* ATTENDANCE.

§ 1823. **Pre-school children.** Am. L. 1949, Act 48 [A-52].

§ 1824. **Public schools; special fees.** Am. L. 1949, Act 227 [A-53],  
rewritten pp. 97, 98.

§ 1827. **Private schools, etc.** Am. L. 1945, Act 227 [A-35], re-  
written pp. 57-58.

Series A-50: ACT 112

An Act to Amend Section 1831 of the Re-  
vised Laws of Hawaii 1945, Eliminating Penalties  
for Truant Children.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1831 of the Revised Laws of Hawaii  
1945 is hereby amended by deleting line 10 to 13 thereof, and  
inserting the following:

“ment for not more than two months; **provided**, how-  
ever, that the provisions”. [L. 1896, c. 57, s. 33; am.  
L. 1907, c. 35, s. 1; am. L. 1915, c. 92, s. 1; R. L. 1925,  
s. 326; R. L. 1935, s. 747; R. L. 1945, s. 1831; am. L.  
1953, c. 112, s. 1.]

SECTION 2. This Act shall take effect ten days after  
promulgation as required by section 2 of the Revised Laws  
of Hawaii 1945.

(Approved May 19, 1953.) **S. B. 211, Act 112.**

§ 1831, as amended, reads as follows:

**Sec. 1831. Penalty.** If any child of school age shall persist in  
absenting himself from school, the district magistrate shall, upon  
a proper complaint being made by the school teacher or any other  
officer or agent of the department, or any deputy sheriff, or police  
officer, or any other person, cause such child, and the father or  
mother, guardian or other person having the charge of such child,  
to be summoned to appear before the magistrate, and upon its being  
proved that the person responsible for the child had not used proper  
diligence to enforce the child's regular attendance at school, such  
responsible party shall be punished by a fine in a sum not less than  
five and not exceeding fifty dollars, or by imprisonment for not  
more than two months; provided, however, that the provisions of  
this section shall not apply to any child not liable to compulsory  
attendance at school. [L. 1896, c. 57, s. 33; am. L. 1907, c. 35, s. 1;  
am. L. 1915, c. 92, s. 1; R. L. 1925, s. 326; R. L. 1935, s. 747; R. L.  
1945, s. 1831; am. L. 1953, c. 112, s. 1.]

§ 1832. **Enforcement of attendance.** Am. L. 1945, Act 156 [A-36].

§ 1833. **Rep. L. 1945, Act 156 [A-36].**

§ 1835. **Religious education.** Am. L. 1945, Act 21 [A-37], re-  
written p. 59.

§§ 1860.01-.06. **Instruction, etc., exceptional child.** NEW, L. 1949,  
Act 29 [A-54].

## Chapter 31. SCHOOLS FOR FOREIGN LANGUAGES.

§§ 1871-1875. **Foreign language.** Am. L. 1949, Act 72 [A-55].

## Chapter 32. TECHNICAL AND VOCATIONAL TRAINING.

§ 1892.01. **Advisory board.** NEW, L. 1945, Act 219 [A-38].

§ 1892.02. **Establishing thirteenth and fourteenth years at Lahainaluna High School.** Am. L. 1951, Act 41 [A-47].

§ 1893. **Expenditures.** Am. L. 1945, Act 219 [A-38].

## Chapter 32.01. VOCATIONAL REHABILITATION OF DISABLED PERSONS.

§§ 1894 to 1898. **Rep.** L. 1949, Act 219 [A-56].

§§ 1894-1898. **Vocational training of disabled.** NEW, L. 1949, Act 219 [A-56].

§§ 1898.01-.08. **Rehabilitation of disabled persons.** NEW, L. 1949, Act 219 [A-56].

Chapter 33. TERRITORIAL AND COUNTY LIBRARIES.  
COUNTY PUBLIC LIBRARIES.

## Series A-51: ACT 171

An Act Relating to the Library of Hawaii  
and Amending Sections 1911 and 1913 of the Revised  
Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 1911** of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

**"Sec. 1911. Establishment; trustees.** There is established a free circulating public library to be known as the Library of Hawaii which shall be governed by a board to be known as the Trustees of the Library of Hawaii, the members of which shall be residents of the Territory and shall be appointed by the governor as provided in section 80 of the Organic Act. The board shall consist of seven members appointed as aforesaid; **provided** that for so long as the existing contract between the board and the Friends of the Library of Hawaii, originally known as the Honolulu Library and Reading Rooms Association, shall continue, or a new one between said parties shall be entered into and be in effect, whereby the Library of Hawaii shall continue to obtain the use of the books, property and income of the Friends of the Library of Hawaii, said Friends of the Library of Hawaii shall have the right to nominate three of said members who shall be appointed by the governor. The

trustees shall be appointed for terms of six years, and until their successors are appointed; **provided** that for the first terms, as near as may be, one-third of them shall be appointed for two years, one-third for four years and the remainder for six years, and any vacancy shall be filled by appointment for the expired term. They shall serve without pay. A majority of the board shall constitute a quorum for the transaction of business." [L. 1909, c. 83, s. 1; R. L. 1925, s. 416; R. L. 1935, s. 800; R. L. 1945, s. 1911; am. L. 1953, c. 171, s. 1.]

SECTION 2. Section 1913 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(a) By deleting the words "the Honolulu Library and Reading Rooms Association and the Hawaiian Historical Society, respectively," appearing in lines 5 and 6 thereof and substituting therefore the words "the Friends of the Library of Hawaii,".

(b) By deleting the words "said association and said society, respectively;" appearing in line 8 thereof and substituting therefor the words "said Friends of the Library of Hawaii;". [L. 1909, c. 83, s. 3; R. L. 1925, s. 3418; R. L. 1935, s. 802; am. L. 1939, c. 127, s. 1; R. L. 1945, s. 1913; am. L. 1953, c. 171, s. 2.]

SECTION 3. This Act shall take effect upon its approval. (Approved June 2, 1953.) S. B. 358, Act 171.

§ 1915. **Hawaii county libraries, names of.** Am. L. 1951, Act 190 [A-48].

§ 1916. **Managing board; appointment, powers, duties.** Am. L. 1951, Act 190 [A-48].

§ 1917. **Kauai County Library, libraries included under designation of.** Am. L. 1951, Act 190 [A-48].

§ 1918. **Kauai County Library, management.** Am. L. 1951, Act 190 [A-48].

§ 1919. **Establishment of county free libraries.** Am. L. 1951, Act 190 [A-48].

§ 1920. **Managing board has supervision of; powers; reports.** Am. L. 1951, Act 190 [A-48].

### Series A-52: ACT 54

An Act Relating to the Managing Board of the Maui County Free Library, and Amending Section 1920, as Amended, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1920, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended to read as follows:



**"Sec. 1920. Managing board; powers, duties.** The free libraries of the county of Maui shall be governed by a managing board of five members, one of whom shall be selected by them as chairman; they shall be residents of the county of Maui and shall be appointed by the governor as provided in section 80 of the Hawaiian Organic Act. Members of the managing board shall be appointed for a term of four years and until their successors are appointed and qualified. They shall serve without pay and a majority of the board shall constitute a quorum for the transaction of all business.

The managing board shall have general supervision and control of the Maui county free libraries, may spend any money acquired by it through appropriation or otherwise for the development, use, support and maintenance of the libraries, and, subject to law, may make general rules and regulations for the governing thereof. The managing board shall appoint a county librarian, as well as such others as may be employed in operating the libraries, and from time to time establish library branches and stations.

The managing board shall submit to the board of trustees of the Library of Hawaii annual reports concerning the libraries, and their requirements, which report shall be incorporated in the annual report of the trustees of the Library of Hawaii and annually transmitted to the governor." [L. 1921, c. 63, s. 5; R. L. 1925, s. 425; R. L. 1935, s. 808; R. L. 1945, s. 1920; am. L. 1951, c. 190, pt. of s. 1; am. L. 1953, c. 54, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved May 1, 1953.) S. B. 351, Act 54.

§ 1921. Librarians of; qualifications. Am. L. 1951, Act 190 [A-48].

§ 1922. Duties of county librarians. Am. L. 1951, Act 190 [A-48].

§ 1923. Conventions of county librarians. Am. L. 1951, Act 190 [A-48].

§ 1924. Reports by county librarians. Am. L. 1951, Act 190 [A-28].

§ 1925. Assistance by Library of Hawaii. Am. L. 1951, Act 190 [A-48].

§ 1926. Exchange of librarians, conditions. Am. L. 1951, Act 190 [A-48].

§ 1927. Leaves of absence; substitute librarians. Am. L. 1951, Act 190 [A-48].

## Chapter 34. UNIVERSITY OF HAWAII.

§ 1942. **Regents appointment, tenure; qualifications; meetings.** Am. L. 1945, Act 135 [A-40].

§ 1943. **Board of Regents; powers.** Am. L. 1945, Act 135 [A-40]; Am. L. 1951, Act 61 [A-50] and Act 178 [A-49].

§ 1947. **Appropriations; accounts; reports.** Am. L. 1945, Act 135 [A-40].

§ 1950. **Classification.** Am. L. 1947, Act 208 [A-4].

§ 1950.01. **Blind, fee exemption.** NEW, L. 1947, Act 62 [A-41].

## Series A-53: ACT 215

An Act to Amend Sections 1951, 1954 and 1955 of Chapter 34 of the Revised Laws of Hawaii 1945, Relating to Territorial Scholarships at the University of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 1951** of chapter 34 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "One scholarship" appearing in line six thereof and substituting in lieu thereof the words "Two scholarships". [L. 1937, J. R. 12, pt. of s. 1; R. L. 1945, s. 1951; am. L. 1953, c. 215, s. 1.]

SECTION 2. **Section 1954** of chapter 34 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

a. By deleting the word and figure "four (4)" appearing in line one thereof and substituting in lieu thereof the word and figure "eight (8)";

b. By deleting the words, punctuation marks and figures "twenty-four (24)" appearing in line three thereof and substituting in lieu thereof the words, punctuation marks and figures "forty-eight (48)". [L. 1937, J. R. 12, pt. of s. 5; R. L. 1945, s. 1954; am. L. 1953, c. 215, s. 2.]

SECTION 3. **Section 1955** of chapter 34 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "two thousand eight hundred eighty" and substituting in lieu thereof the following words "five thousand seven hundred and sixty". [L. 1937, J. R. 12, pt. of s. 6; R. L. 1945, s. 1955; am. L. 1953, c. 215, s. 3.]

SECTION 4. This Act shall take effect upon its approval. (Approved June 9, 1953.) H. B. 549, Act 215.

§ 1964. **Rep. L. 1949, Act 185 [A-32].**

§ 1969.01. **Specialist in cooperative organizations.** NEW, L. 1949, Act 248 [A-57].

§§ 1977-1979. **School of nursing.** Am. L. 1951, Act 174 [A-51].

## Chapter 34.6. UNIVERSITY PROJECTS.

§§ 1991.01-.13. **University projects.** NEW, L. 1947, Act 141 [A-42].  
Title 6: HEALTH.

## Chapter 35. BOARD OF HEALTH.

§ 2001. **Board of health; members; qualifications; tenure; president; acting president.** Am. L. 1951, Act 292 [A-52].

§ 2010. **Agents and inspectors.** Am. L. 1945, Act 209 [A-41].

§ 2012. **Rules.** Am. L. 1945, Act 116 [A-42], rewritten pp. 66-67.

§§ 2012.01-.05. **Division of dental health.** NEW, L. 1949, Act 208 [A-58].

§§ 2012.06, 2012.07, 2015. **Bureau of Industrial Hygiene.** Am. L. 1951, Act 18 [A-53].

§ 2012.08. **Bureau of Nutrition.** NEW, L. 1951, Act 34 [A-54].

§ 2015. Amended and rewritten L. 1949, Act 71 [A-59], pp. 112, 113.

§ 2015, 21 (a). **Medical examination, vaccination, revaccination and immunization of school children.** Am. L. 1951, Act 181 [A-55] and Act 64 [A-56].

## Series A-54: ACT 32

An Act to Amend Section 2015, as Amended, and Section 2705 of the Revised Laws of Hawaii 1945, relating to Public Health.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 2015** of the Revised Laws of Hawaii 1945, as amended by Act 116 (Ser. A-42) of the Session Laws of Hawaii 1945, Act 71 (Ser. A-59) of the Session Laws of Hawaii 1949, and by Acts 18 (Ser. A-53), 181 (Ser. A-55), and 64 (Ser. A-56) of the Session Laws of Hawaii 1951, is hereby further amended by substituting a semicolon for the period at the end thereof and adding immediately thereafter a new paragraph to be numbered and to read as follows:

“23. Disinsectization of aircraft entering or within the Territory of Hawaii as may be necessary to prevent the introduction, transmission or spread of disease or the introduction or spread of any insect or other vector of significance to health.” [P. C. 1869, c. 59, ss. 4-6; am. L. 1905, c. 42, s. 1; am. L. 1911, c. 132, s. 2; am. L. 1913, c. 63, s. 1; am. L. 1919, c. 235, s. 1; R. L. 1925, s. 912; R. L. 1935, pt. of ss. 904 and 1130; am. L. 1937, c. 122, s. 4; am. L. 1937, c. 197, s. 1; am. L. 1941, c. 18, s. 1; R. L. 1945, s. 2015; am. L. 1945, c. 116, s. 1; am. L. 1949, c. 71, s. 1; am. L. 1951, c. 181, s. 1 and c. 64, s. 1; am. L. 1953, c. 32, s. 1.]

SECTION 2. **Section 2705** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting the word "or" after the word "building", appearing in the third line thereof, and substituting in lieu thereof the punctuation mark ","; and

(b) By inserting after the word "vessel", appearing in the third line thereof, the following words and punctuation mark "or aircraft,". [P. C. 1869, c. 59, s. 13; am. L. 1911, c. 111, s. 4; R. L. 1925, s. 927; R. L. 1935, s. 1314, R. L. 1945, s. 2705; am. L. 1953, c. 32, s. 2.]

SECTION 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved April 27, 1953.) H. B. 462, Act 32.

§ 2016. **Barbers, hairdressers, cosmeticians, cosmetologists and beauticians.** Am. L. 1945, Act 140 [A-43] and Am. L. 1949, Act 19 [A-60].

§ 2017. **Regulation of certain occupations.** Am. L. 1945, Act 116 [A-42], rewritten p. 68; Am. L. 1947, Act 192 [A-52] and Am. L. 1949, Act 19 [A-60].

§ 2020. **Penalty.** Am. L. 1947, Act 82 [A-43], rewritten p. 88.

§§ 2021.01-.05. **Cancer control.** NEW, L. 1949, Act 79 [A-61].

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#### Chapter 35A. BARBERING, PRACTICE OF.

§§ 2025.01-.17. **Barbering.** NEW, L. 1947, Act 194 [A-44].

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#### Chapter 36. REGULATION OF BEAUTY CULTURE.

§§ 2031-2049. **Beauty culture.** Am. L. 1949, Act 397 [A-62]. (This act completely supplants Ch. 36 ss. 2031-59 as amended by L. 1947, Act 238 [A-45].)

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#### Chapter 37. CHIROPRACTIC.

§ 2071. **License to practice.** Am. L. 1949, Act 57 [A-64].

§ 2072. **Board of examiners.** Am. L. 1949, Act 57 [A-64], rewritten pp. 126-127.

§ 2079. **License refusal, revocation, reissuance.** Am. L. 1949, Act 151 [A-65].

§ 2079.01. **Proceedings for revocation or suspension of license.** NEW, L. 1949, Act 151 [A-65].

§ 2083. **Penalty.** Am. L. 1947, Act 94 [A-46], rewritten p. 99.

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#### Chapter 39. DENTISTRY.

See §§ 2012.01-.05. L. 1949, Act 208 [A-58], division of dental health.

§ 2154. **Fraudulent advertising; penalty.** Am. L. 1947, Act 170 [A-47], rewritten pp. 100-101, and Am. L. 1949, Act 177 [A-66].

## Series A-55: ACT 102

An Act to Amend Section 2155 of the Revised Laws of Hawaii 1945, Relating to the Appointment and Tenure of the Board of Dental Examiners.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2155 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 2155. Appointment; tenure.** The governor shall appoint, in the manner prescribed in section 80 of the Organic Act, and for neglect of duty, incompetency or dishonorable conduct, may remove the board of dental examiners, which shall consist of seven practicing dentists, who shall have been engaged in the practice of dentistry in the Territory for a period of five years preceding their several appointments, and none of whom shall be in any way connected with, or interested financially in, any dental supply company. Of such members, one shall be appointed from each of the counties of Hawaii, Maui and Kauai and four shall be appointed from the city and county of Honolulu. Three of such members shall be appointed for a term of one year, three shall be appointed for a term of two years, and one shall be appointed for a period of three years. The successors of the members initially appointed and all successors thereafter shall be appointed for terms of three years from the date of expiration of the terms for which their predecessors were appointed. The members of the board shall serve without pay, and each shall serve until his successor is appointed and qualified." [L. 1903, c. 40, s. 3; am. L. 1917, c. 136, s. 5; R. L. 1925, s. 1069; R. L. 1935, s. 984; am. L. 1937, c. 220, s. 3; am. L. 1943, c. 40, s. 1; R. L. 1945, s. 2155; am. L. 1953, c. 102, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved May 19, 1953.) **S. B. 580, Act 102.**

§ 2156. **Officers, meetings, quorum.** Am. L. 1949, Act 177 [A-66].

§ 2157. **Expenses; special fund.** Am. L. 1947, Act 170 [A-47].

§ 2159. **Application, examination, time; fee; temporary license.** Am. L. 1949, Act 177 [A-66].

§ 2161. **Registration necessary in certain counties.** Am. L. 1949, Act 177 [A-66].

§ 2164. **Refusal, revocation, suspension and restoration of licenses.** Am. L. 1949, Act 177 [A-66], rewritten p. 133.

§ 2164-A. **Hearings.** NEW, L. 1949, Act 177 [A-66].

§ 2167. **Rep. L. 1949, Act 177 [A-66].**

## Chapter 40. DENTAL HYGIENISTS.

§ 2181. Who may become dental hygienists. Am. L. 1949, Act 59 [A-67].

§§ 2182, 2183. License; employment, dental hygienists. Am. L. 1945, Act 118 [A-44], rewritten pp. 71-2.

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## Chapter 41. FOOD, DRUGS AND COSMETICS.

§ 2229. Repealed L. 1947, Act 116 [A-48].

## Series A-56: ACT 110

An Act to Amend Section 2231 of the Revised Laws of Hawaii 1945, Relating to the Penalty for Violating the Hawaii Food, Drug and Cosmetic Act.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Paragraph (a) of section 2231 of the Revised Laws of Hawaii 1945 is amended to read as follows:

“(a) Any person who shall violate any of the provisions of section 2206 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.” [L. 1941, c. 318, s. 25; R. L. 1945, s. 2231; am. L. 1953, c. 110, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 19, 1953.) S. B. 140, Act 110.

§ 2240.01. Iced fish. NEW, L. 1947, Act 187 [A-49].

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## Series A-57: ACT 91

An Act to Amend Sections 2242-2244, Inclusive, of Chapter 41 of the Revised Laws of Hawaii 1945, Relating to the Manufacture of Poi.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2242 of chapter 41 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

a. By deleting the word “or” after the word “poi” appearing in the second line thereof, and substituting in lieu thereof, a comma, and by inserting the words and comma “or ulu, also known as breadfruit poi” after the word “paiai”. [L.

1911, c. 101, s. 1; R. L. 1925, s. 1011; R. L. 1935, s. 1080; R. L. 1945, s. 2242; am. L. 1953, c. 91, s. 1.]

SECTION 2. **Section 2243** of chapter 41 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

a. By deleting the word "or" after the word "poi" appearing in the eighth line thereof, and substituting in lieu thereof, a comma, and by inserting the words and comma "or ulu, also known as breadfruit poi" after the word "paiai".

b. By deleting the word "or" after the word "poi" appearing in the fifteenth line thereof, and substituting in lieu thereof, a comma, and by inserting the words and comma "or ulu, also known as breadfruit poi" after the word "paiai".

c. By deleting the word "or" after the word "poi" appearing in the sixteenth line thereof, and substituting in lieu thereof, a comma, and by inserting in the seventeenth line the words "or ulu, also known as breadfruit poi" after the word "paiai".

d. By deleting the word "or" after the word "poi" appearing in the twenty-first line thereof, and substituting in lieu thereof, a comma, and by inserting the words and comma "or ulu, also known as breadfruit poi" after the word "paiai".

e. By deleting the word "or" after the word "poi" appearing in the twenty-fourth line thereof, and substituting in lieu thereof, a comma, and by inserting in the twenty-fifth line the words "or ulu, also known as breadfruit poi" after the word "paiai". [L. 1911, c. 101, s. 2; R. L. 1925, s. 1012; R. L. 1935, s. 1081; R. L. 1945, s. 2243; am. L. 1953, c. 91, s. 2.]

SECTION 3. **Section 2244** of chapter 41 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

a. By deleting the word "or" after the word "poi" appearing in the second line thereof, and substituting in lieu thereof, a comma, and by inserting the words and comma "or ulu, also known as breadfruit poi" after the word "paiai". [L. 1911, c. 101, s. 3; R. L. 1925, s. 1013; R. L. 1935, s. 1082; R. L. 1945, s. 2244; am. L. 1953, c. 91, s. 3.]

SECTION 4. This Act shall take effect upon its approval.  
(Approved May 18, 1953.) **H. B. 885, Act 91.**

### Series A-58: ACT 111

An Act to Amend Section 2245 of the Revised Laws of Hawaii 1945, Relating to the Penalty for Violating the Provisions of Sections 2242, 2243 and 2244, Relating to the Manufacture of Poi.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2245 of the Revised Laws of Hawaii 1945 is amended so as to read as follows:

**"Sec. 2245. Penalty.** Any person who violates any provision of this subtitle shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment." [L. 1911, c. 101, s. 4; R. L. 1925, s. 1014; R. L. 1935, s. 1083; R. L. 1945, s. 2245; am. L. 1953, c. 111, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 19, 1953.) **S. B. 141, Act 111.**

§§ **2246.01-.06. Flour enrichment.** NEW, L. 1945, Act 101 [A-45].

## Chapter 41A. HOSPITALS AND MEDICAL CARE.

§§ **2261-2271. Creating division of hospitals and medical care.** NEW, L. 1951, Act 129 [A-57].

## Chapter 42. INFECTIOUS \* \* \* DISEASES.

§ **2305. Antitoxins.** Am. L. 1945, Act 191 [A-46].

§ **2306.01. Potentially infectious laundry from hospitals and sanatoria.** NEW, L. 1949, Act 22 [A-68].

§ **2311. Serologic tests.** Am. L. 1945, Act 105 [A-47], rewritten p. 78.

§ **2317. Spitting.** Am. L. 1945, Act 66 [A-48].

§ **2330.01. Tubercular examinations.** NEW, L. 1947, Act 79 [A-50].

§ **2330.02. Notice.** Am. L. 1949, Act 60 [A-69].

§ **2330.03. Test and treatment for tuberculosis free, when, where.** NEW, L. 1949, Act 90 [A-70].

§§ **2330.05-.10. Isolation of tuberculars.** NEW, L. 1949, Act 307 [A-71].

§§ **2331-33. Vaccination, immunization.** Am. L. 1945, Act 171 [A-49].

§§ **2334-37. Procedures, exemptions, etc.** Am. in toto L. 1947, Act 165 [A-51]; see L. 1945, Act 171 [A-49].

§ **2338. Duty of parent.** NEW, L. 1945, Act 171 [A-49].

§§ **2339, 2340. Rep.** L. 1945, Act 171 [A-49].

## Chapter 43. HOSPITALS AND SETTLEMENT: HANSEN'S DISEASE SUFFERERS.

This chapter am. L. 1949, Act 53 [A-72]; Act 109 [A-73]; Act 392 [A-74]; Act 80 [A-75]; Act 371 [A-76] and Act 378 [A-77]. Also by L. 1945, Act 299 [A-51].



§§ 2401. Establishment of hospitals, etc.; treatment of care of persons affected with Hansen's disease. Am. L. 1951, Act 157 [A-58].

§ 2401.01. Administration by board of health. NEW, L. 1949, Act 109 [A-73].

§ 2401.02. Care in other hospitals, homes, etc. NEW, L. 1949, Act 392 [A-74]; Am. L. 1951, Act 157 [A-58].

§ 2402. Rep. L. 1949, Act 109 [A-73].

§ 2403. Meetings and rules. Am. (?) L. 1949, Act 109 [A-73] and by virtue of §§ 2001, 2003, 2007, 2011, 2012 and L. 1949, Act 80 [A-75], rewritten p. 147; am. L. 1951, Act 157 [A-58].

§ 2406. Appropriations, how spent. Am. L. 1949, Act 53 [A-72].

§ 2407. Treatment and care of persons affected with Hansen's disease. Rep. L. 1951, Act 157 [A-58].

§ 2408. Treatment and care of pregnant mothers affected with leprosy; disposition of children. Am. L. 1949, Act 53 [A-72].

§ 2409. Notification. Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2410. Examination. Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2411. Transfer to hospital. Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2412. Removal to settlement. Am. L. 1949, Act 53 [A-72]; Am. L. 1951, Act 157 [A-58].

§ 2413. Discharge. Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2416. Temporary release. Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2417. Aid to indigents discharged. Am. L. 1951, Act 157 [A-58].

### Series A-59: ACT 27

An Act to Repeal Section 2417 of the Revised Laws of Hawaii 1945, as Amended, Relating to Hansen's Disease.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2417 of the Revised Laws of Hawaii 1945, as amended by Act 157 of the Session Laws of 1951, is hereby repealed.

SECTION 2. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved April 22, 1953.) H. B. 642, Act 27.

§ 2418. Concealing lepers, penalty. Am. L. 1949, Act 53 [A-72].

§ 2419. Deputy sheriffs or police officer to report lepers. Am. L. 1949, Act 53 [A-72].

§ 2421. Hospitals. Rep. L. 1951, Act 157 [A-58].

§ 2422. Permits to treat lepers. Am. L. 1949, Act 53 [A-72].

§ 2423. Labor of patients by consent. Am. L. 1945, Act 159 [A-50]; am. L. 1949, Act 371 [A-76]; Act 378 [A-77], rewritten pp. 149-150.

§ 2424. Labor of patients. Am. L. 1951, Act 157 [A-58].

## Series A-60: ACT 241

An Act amending Section 2424 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment at any Hospital, Settlement or Place for the Care and Treatment of Persons Suffering from Hansen's Disease.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION. 1. Section 2424 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

**"Sec. 2424. Labor by patients.** All outside labor, including yard work, may be performed by patients at any hospital, settlement or place for the care and treatment of persons suffering from Hansen's disease, as far as patient labor is available, and all such patient laborers shall receive such reasonable compensation for their services as may be set by the board of health or its duly authorized agents, but in no case shall the minimum rate be less than provided in section 2423.

When there are vacancies in positions, classified under chapters 2 and 3, which are of such nature that the health of the public or of other nonpatient staff members will not be in danger by their being filled by individuals living with or associating closely with active patients, at any hospital, settlement or place exclusively for the care and treatment of persons suffering from Hansen's disease, employment preference shall be given to discharged patients from any such hospital, settlement or place, **provided** that such persons so hired shall be otherwise qualified under the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, as amended." [L. 1937, c. 108, s. 1; R. L. 1945, s. 2424; am. L. 1951, c. 157, s. 11; am. L. 1953, c. 241, s. 1.]

SECTION 2. The board of health is hereby authorized to promulgate such rules and regulations as are necessary to carry out the provisions of section 1 of this Act.

SECTION 3. This Act shall take effect upon its approval. (Approved June 12, 1953.) **H. B. 982, Act 241.**

§ 2424.01. **Pensions for patient employees at leper hospital, etc.** **NEW, L. 1945, Act 229 [A-51]; am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].**

§ 2425. **Rules and regulations.** **Am. L. 1949, Act 53 [A-72]; Am. L. 1951, Act 157 [A-58].**

§ 2426. **Accounts, reports.** **Am. L. 1949, Act 53 [A-72].**

§ 2427. **Who allowed at settlement.** **Am. L. 1949, Act 53 [A-72].**

- § 2429. Kalaupapa store prices; penalty. Am. L. 1949, Act 80 [A-75].
- § 2430. Making or taking pictures without permit, prohibited; penalty. Am. L. 1949, Act 80 [A-75]; am. L. 1951, Act 175 [A-58].
- § 2431. Control of kokuas and voluntary helpers. Am. L. 1949, Act 53 [A-72].
- § 2432. Regulations. Rep. L. 1951, Act 157 [A-58].
- § 2433. Duties. Am. L. 1949, Act 53 [A-72].
- § 2434. Same. Am. L. 1949, Act 53 [A-72].
- § 2435. Board to control homes. Rep. L. 1949, Act 80 [A-75].
- § 2436. Wards of the Territory. Rep. L. 1951, Act 24 [A-95].
- § 2438. Governed by board of hospitals and settlement. Am. L. 1949, Act 53 [A-72]; Am. L. 1951, Act 157 [A-58].
- § 2439. Sheriff, appointment, removal. Am. L. 1951, Act 157 [A-58].
- § 2440. Sheriff, salary. Am. L. 1949, Act 53 [A-72]; Am. L. 1951, Act 157 [A-58].
- § 2442. Sheriff, powers. Am. L. 1949, Act 53 [A-72]; Act 80 [A-75]; Am. L. 1951, Act 157 [A-58].
- § 2443. Penalty. NEW, L. 1951, Act 157 [A-58].

#### Chapter 43A. MASSAGE, ETC.

- §§ 2451.01-.23. Massage and Hawaiian lomi-lomi. NEW, L. 1947, Act 192 [A-52].
- § 2451.06. Powers and duties of the board. Am. L. 1949, Act 97 [A-78], rewritten p. 151.
- § 2451.16. Renewal of certificate; fees. Am. L. 1949, Act 97 [A-78].

#### Chapter 45. MEDICINE AND SURGERY.

- § 2502. Practice of medicine defined. Am. L. 1949, Act 63 [A-79].
- § 2503. Board of medical examiners; qualifications for examinations. Am. L. 1951, Act 173 [A-60].
- § 2503.01. Eligible persons for examination. NEW, L. 1949, Act 52 [A-80].

#### Series A-61: ACT 86

An Act to Amend Section 2504 of the Revised Laws of Hawaii 1945, enlarging the Membership of the Board of Medical Examiners.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The second paragraph of section 2504 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"The board of medical examiners shall consist of seven persons, all of whom shall be licensed physicians or surgeons under the laws of the Territory. The appointments, unless to fill out unexpired terms, shall be for five years, subject, however, to removal by the governor in the manner prescribed in section 80 of the Organic

Act; **provided**, however, that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, two for terms of four years, and two for terms of five years. Of such seven members, one shall be appointed from each of the counties of Hawaii, Maui and Kauai and four shall be appointed from the city and county of Honolulu. The successors of the members initially appointed and all successors thereafter, shall be appointed for terms of five years from the date of the expiration of the terms for which their predecessors were appointed. Each member shall serve until his successor is appointed and qualified. The members of the board shall serve without pay; **provided**, however, the members of the board shall be allowed their reasonable expenses for travel and other costs incurred in the discharge of their duties. A majority of the board shall constitute a quorum". [L. 1896, c. 60, s. 4; R. L. 1925, s. 1025; R. L. 1935, s. 1204; R. L. 1945, s. 2504; am. L. 1953, c. 86, s. 1.]

[Sec. 2504.01]. SECTION 2. [Duration of term.] All members of the board of medical examiners holding office on the effective date of this Act shall continue in office, subject to removal as provided in section 80 of the Organic Act; **provided**, however, that of the three members of the board, the member whose term of office expires first shall continue in office until May 1, 1954, and one of the members whose term expires next shall continue in office until May 1, 1955, while the other, as determined by lot, shall continue in office until May 1, 1956. Of the four new members to be appointed to the board, two members shall be appointed for terms expiring May 1, 1957 and the others for terms expiring May 1, 1958. The term of office of the successors of such members shall be in conformity with the provisions of section 2504 of the Revised Laws of Hawaii 1945, as amended by this Act. [Am. L. 1953, c. 86, s. 2.]

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 18, 1953.) H. B. 693, Act 86.

§ 2507. **Revocation and restoration of licenses.** Am. L. 1947, Act 201 [A-53]; Am. L. 1949, Act 108 [A-81].

§§ 2508-2511. **Procedure for revoking licenses.** Am. L. 1947, Act 201 [A-53].

## Chapter 46. MEDICINAL USE OF HERBS.

§§ 2534.01-.02. **Revocation or suspension of permits.** NEW, L. 1949, Act 121 [A-82].

## Chapter 47. MENTAL HYGIENE.

§ 2552. **Functions of the bureau; charges for service.** Am. L. 1945, Act 102 [A-52]; Am. L. 1947, Act 55 [A-54], Act 6 [A-55]; Am. L. 1949, Act 231 [A-83].

§ 2552.01. **Transportation.** NEW, L. 1947, Act 101 [A-56].

## Chapter 48. MENTAL INSTITUTIONS, PRIVATE.

§ 2581. **Private institutions.** Am. L. 1945, Act 106 [A-53].

## Chapter 49. NARCOTIC DRUGS.

§ 2601. **Definitions.** Am. L. 1949, Act 9 [A-84]. See L. 1951, Act 145 [D-230].

## Series A-62: ACT 19

An Act to Amend Chapter 49 of the Revised Laws of Hawaii 1945, as Amended, and to Repeal Act 145 of the Session Laws of Hawaii 1951, Relating to Narcotics.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1, Chapter 49 of the Revised Laws of Hawaii 1945, as amended by Act 9 of the Session Laws of 1949, is hereby further amended in the following respects:

(1) By amending the definition of "habit-forming drugs" in section 2601 to read as follows:

" 'Habit-forming drugs' means coca leaves, opium, isonipecaine, amidone, isoamidone, keto-bemidone, bemidone, and the opiates NU-1196, NU-1779, NU-1932, N. I. H.-2933, N. I. H.-2953, CB-11 and NU-2206." [L. 1931, c. 152, s. 1; R. L. 1935, s. 1270; R. L. 1945, s. 2601; am. L. 1949, c. 9, s. 1; am. L. 1953, c. 19, s. 1.]

(2) By adding the following new paragraphs to section 2601:

" 'Bemidone' means any substance identified chemically as (1 - methyl - 4 - metahydroxy - phenyl - piperidine - 4 - carboxylic acid ethyl ester), or any salt thereof, by whatever trade name designated.

'NU-1196' means any substance identified chemically as (a-1, 3-dimethyl - 4 - phenyl - 4 - propionoxy piperidine) (Also known as Nisentil), or any salt thereof, by whatever trade name designated.

'NU-1779' means any substance identified chemically as (B-1, 3-dimethyl - 4 - phenyl - 4 - propionoxy piperidine), or any salt thereof, by whatever trade name designated.

'NU-1932' means any substance identified chemically as (B-1-methyl-3-ethyl-4-phenyl-4-propionyxy piperidine), or any salt thereof, by whatever trade name designated.

'N.I.H.-2933' means any substance identified chemically as (6-dimethylamino-4, 4-diphenyl-3-heptanol), or any salt thereof, by whatever trade name designated.

'N.I.H.-2953' means any substance identified chemically as (6-dimethylamino-4, 4-diphenyl-3-acetoxy-heptane), or any salt thereof, by whatever trade name designated.

'CB-11' means any substance identified chemically as (6-morpholino-4, 4-diphenyl-3-heptanone) (Also known as Heptazone or Heptalgin), or any salt thereof, by whatever trade name designated.

'NU-2206' means any substance identified chemically as (3-hydroxy-N-methylmorphinan), or any salt thereof, by whatever trade name designated." [L. 1953, c. 19, s. 1 (2).]

(3) By amending section 2603 to read as follows:

**"Sec. 2603. Acts prohibited, penalty.** It shall be unlawful for any person to possess with the intent to sell or to sell or dispense any habit-forming drug, or any narcotic drug as defined in section 2612 of this chapter, except as provided in this chapter.

Intent to sell shall be presumptively established by proof that the person knowingly possessed or had under his control, in violation of this chapter, twenty-five (25) or more cigarettes containing any one or more of the narcotic drugs defined in section 2612, or one or more preparations, compounds, mixtures or substances, containing either (a) one per centum or more of the respective alkaloids or derivatives of heroin, morphine or cocaine, of an aggregate weight of one-half ( $\frac{1}{2}$ ) ounce or more; or (b) one or more of the narcotic drugs defined in section 2612, of an aggregate weight of one-half ( $\frac{1}{2}$ ) ounce or more; or (c) raw or prepared opium of an aggregate weight of six (6) ounces or more; or (d) one or more than one of any of the other habit-forming drugs as defined in section 2601 of this chapter of an aggregate weight of eight (8) ounces or more. In determining said weight, avoirdupois ounces shall be used for solids or semi-solids, and fluid ounces for liquids. This presumption may be rebutted.

Any person violating this section, shall upon conviction, be punished, for the first offense by a fine not exceeding one thousand dollars and by imprisonment at hard labor for not more than ten years, and for any subsequent offense by a fine not exceeding two thousand dollars and imprisonment at hard labor for not more than twenty years." [L. 1931, c. 152, s. 3; R. L. 1935, s. 1272; R. L. 1945, s. 2603; am. L. 1953, c. 19, pt. of s. 1.]

(4) By adding thereto a new section to be numbered and to read as follows:

**"Sec. 2603.01. Sale of narcotic drugs to minors, penalty.** Any person having attained the age of twenty years selling or dispensing any habit-forming drug, or any narcotic drug as defined in section 2612 of this chapter, to any person under the age of twenty years, or inducing any person under the age of twenty years to buy, receive, take, inject, inhale, or smoke any habit-forming drug, or any narcotic drug as defined by section 2612, except as permitted by this chapter, shall upon conviction therefor be punished, for the first offense by a fine not exceeding one thousand dollars and by imprisonment at hard labor for not more than twenty years, and for any subsequent offense by a fine not exceeding two thousand dollars and by imprisonment at hard labor for life." [L. 1953, c. 19, s. 1 (4).]

(5) By adding thereto a new section to be numbered and to read as follows:

**"Sec. 2603.02. Additional acts prohibited, penalty.** It shall be unlawful for any person to produce, manufacture, possess, have under his control, prescribe, administer or compound any habit-forming drug or any drug as defined by section 2612 of this chapter, except as provided in this chapter. Any person found guilty of the foregoing acts shall be punished for the first offense by imprisonment at hard labor for not more than five years and for any subsequent offense by imprisonment at hard labor for not more than ten years." [L. 1953, c. 19, s. 1 (5).]

(6) By deleting from the third line of section 2612 the word "sell", the comma immediately thereafter and the word "dispense". [L. 1931, c. 152, s. 12; R. L. 1935, s. 1281; R. L. 1945, s. 2612; L. 1953, c. 19, s. 1 (6).]

(7) By adding thereto a new section to be numbered and to read as follows:

**"Sec. 2615.01. Forfeiture of property.**

(a) Any vehicle, boat, aircraft or other personal property or real property, or any interest, legal or equitable in such property, which has been or is being used for or in connection with the violation of section 2603 or 2603.01 shall be seized and forfeited to the Territory of Hawaii. **Provided**, however, that the provisions of this section shall not apply to common carriers; and **provided** further, that the provisions of this section shall not apply to innocent persons nor destroy any valid lien or interest of innocent persons in such property.

(b) It shall be the duty of the officers of the Territory of Hawaii or its subdivisions or agencies to forthwith seize and hold any property subject to seizure pursuant to paragraph (a) hereof.

(c) Upon the trial and conviction of any person for the violation of the sections specified in paragraph (a) hereof, it shall be the duty of the trial judge at the time of pronouncing sentence of conviction to order and adjudge that any property or interest therein, legal or equitable, which has been satisfactorily proved to be the property of the defendant and to have been used for or in connection with the narcotic crime for which the defendant is being sentenced, be forfeited to and become the property of the Territory of Hawaii. All such property shall be sold at public auction to the highest bidder in the same manner as like property sold under execution. The proceeds of the sale shall be deposited to the general fund of the Territory of Hawaii." [L. 1953, c. 19, s. 1 (7).]

(8) By adding thereto a new section to be numbered and to read as follows:

**"Sec. 2616.01. Reports by physicians, penalty.** It shall be the duty of every attending or consulting physician to report to the board of health, promptly, the name and, if possible, the address of any person under treatment if it appears that such person is an habitual user of narcotic drugs. Such reports shall be open for inspection only to federal, territorial, county and municipal officers whose duty is to enforce the laws of the Territory of Hawaii or of the United States relating to narcotic drugs, or who are concerned with the commitment, care, treatment or rehabilitation of persons addicted to the use of narcotic drugs. Failure to make the report required by this section shall be punishable by a fine of not exceeding five hundred dollars." [L. 1953, c. 19, s. 1 (8).]



(9) By amending section 2620 to read as follows:

**"Sec. 2620. Enforcement and cooperation.** It is hereby made the duty of the board of health for the Territory of Hawaii, its officers, agents, inspectors, and representatives, and of all territorial, county and municipal officers whose duty it is to enforce the laws of the Territory of Hawaii, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this Territory, and of all other states and territories, relating to narcotic drugs." [L. 1931, c. 152, s. 20; R. L. 1935, s. 1289; R. L. 1945, s. 2620; am. L. 1953, c. 19, s. 1 (9).]

(10) By amending section 2621 to read as follows:

**"Sec. 2621. Penalties.** Any person violating any section of this chapter, unless some other specific penalty is provided by this chapter for the offense of which he is convicted, shall upon conviction be punished, for the first offense by a fine not exceeding one thousand dollars and by imprisonment at hard labor for not more than one year, and for any subsequent offense by a fine not exceeding two thousand dollars and by imprisonment at hard labor for not more than one year." [L. 1931, c. 152, s. 21; R. L. 1935, s. 1290; R. L. 1945, s. 2621; am. L. 1953, s. 1 (10).]

(11) By adding thereto a new section to be numbered and to read as follows:

**"Sec. 2621.01. Subsequent offenses and conviction in other jurisdictions.** An offender shall be considered a subsequent offender, if he previously has been convicted of any violation of the laws of the Territory of Hawaii or of the United States or of any state, territory, possession of the United States or the District of Columbia, relating to narcotics.

After conviction, but prior to pronouncement of sentence, the court shall be advised by the prosecutor whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the prosecutor shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit the trial, before a jury if the defendant demands a jury, on the sole issue of the offender's identity with the person previously con-

victed. If the offender is found to be the person previously convicted, or if he admits that he is such person, he shall be sentenced as a subsequent offender." [L. 1953, c. 19, s. 1 (11).]

(12) By adding thereto a new section to be numbered and to read as follows:

**"Sec. 2621.02. Parole after subsequent violation of sections 2603 and 2603.01.** No person convicted of a subsequent violation of section 2603 shall be eligible for or granted a parole until he has served a term of at least five years imprisonment. No person convicted of a subsequent violation of section 2603.01 shall be eligible for or granted a parole until he has served a term of at least ten years imprisonment." [L. 1953, c. 19, s. 1 (12).]

SECTION 2. Act 145 of the Session Laws of 1951 is hereby repealed.

SECTION 3. **Separability.** If any phrase, clause, sentence, subsection, section, provision or part of this Act, or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more other phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

SECTION 4. This Act shall take effect on July 1, 1953; **provided**, however, that this Act shall not affect the liability of any person to prosecution or punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved April 21, 1953.) **H. B. 324, Act 19.**

### Series A-63: ACT 231

An Act Amending Chapter 49 of the Revised Laws of Hawaii 1945, as Amended, Relating to Hypodermics.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 49, Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

**"Sec. 2611.01. Possession of hypodermics; penalty.**

No person shall at any time have or possess a hypodermic syringe or needle, or any instrument or implement adapted to the use of habit-forming drugs by injection, which is possessed for his personal use in administering habit-forming drugs, unless such possession be authorized by the certificate of a physician issued within the period of one year immediately prior to such possession." [L. 1953, c. 231, s. 1.]

SECTION 2. Any person who, on the effective date of this Act, has or possesses a hypodermic syringe or needle, or any instrument or implement adapted to the use of habit-forming drugs by injection for his personal use in administering habit-forming drugs, shall have thirty days thereafter to obtain a certificate provided for by section 1 of this Act.

SECTION 3. This Act shall take effect July 1, 1953.

(Approved June 12, 1953.) **H. B. 325, Act 231.**

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**Series A-64: ACT 107**

An Act Relating to Enforcement of Chapter 49 of the Revised Laws of Hawaii 1945, Relating to Narcotic Drugs; Amending Said Chapter by Amending Section 2620, as Amended, and by Adding a New Section.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2620 of chapter 49 of the Revised Laws of Hawaii 1945, as amended by Act 19 of the Session Laws of Hawaii 1953, is hereby further amended to read as follows:

**"Sec. 2620. Enforcement and cooperation.** It is hereby made the duty of the board of health for the Territory of Hawaii, its officers, agents, inspectors, and representatives, and of all territorial, county and municipal officers whose duty it is to enforce the laws of the Territory of Hawaii, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this Territory, and of all other states and territories, relating to narcotic drugs. The board of health may designate narcotic investigators who shall have the same authority as a peace officer, to bear arms concealed or otherwise, and to make searches, seizures, and to make arrests for any violation of the

provisions of this chapter. [L. 1931, c. 152, s. 20; R. L. 1935, s. 1289; R. L. 1945, s. 2620; am. L. 1953, c. 107, s. 1.]

**Sec. 2620.01.** It shall be unlawful for any person to interfere with any narcotic officer, agent, or inspector in the performance of his official duties. And it shall be unlawful for any person to falsely represent himself to be a representative of the territorial section of narcotics control or to falsely represent that he is an officer authorized to enforce the narcotic laws of the Territory of Hawaii, the United States or any other state, and any person so doing shall be punished as provided for in section 11282, Revised Laws of Hawaii 1945." [L. 1953, c. 107, s. 1.]

**SECTION 2. Separability.** If any phrase, clause, sentence, subsection, section, provision or part of this Act, or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more other phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

**SECTION 3.** This Act shall take effect upon its approval. (Approved May 19, 1953.) **H. B. 711, Act 107.**

### Series A-65: ACT 236

An Act Creating a Section for Narcotics Control in the Department of Health, and Making an Appropriation Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 2623**]. **SECTION 1. Definitions.** Whenever in this chapter the following words and equivalent expressions appear they shall have the following meanings, respectively:

"Board" means the "board of health" of the Territory of Hawaii.

"President" means the "president of the board of health" of the Territory of Hawaii.

"Section" means the "section of narcotics control" established within the office of food commissioner of the board of health of the Territory of Hawaii. [L. 1953, c. 236, s. 1.]

[**Sec. 2624**]. **SECTION 2. Section of narcotics control.** There is hereby established within the office of food com-

missioner of the board of health of the Territory of Hawaii, a section of narcotics control. The said section shall be administered as directed by the board of health. The president of the board shall appoint the following employees for the section of narcotics control under the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945:

- (a) One chief investigator
- (b) One narcotic investigator
- (c) One clerk-stenographer. [L. 1953, c. 236, s. 2.]

[Sec. 2625]. SECTION 3. [Chief investigator to continue in office.] The officer engaged in the discharge of the duties of chief investigator immediately prior to the effective date of this Act shall continue in his office and shall be deemed a member of the territorial civil service system. [L. 1953, c. 236, s. 3.]

[Sec. 2626]. SECTION 4. There is hereby appropriated from the general funds of the Territory, not otherwise appropriated, the sum of \$30,000.00 to be expended in the biennium 1953-1955 for salaries and other expenses of the section of narcotics control. [L. 1953, c. 236, s. 4.]

SECTION 5. This Act shall take effect on July 1, 1953.  
(Approved June 12, 1953.) H. B. 710, Act 236.

## Chapter 50. NATUROPATHY.

§ 2653. Qualifications of applicants. Am. L. 1949, Act 214 [A-85].

§ 2655-A. Powers and authority of the board. NEW, L. 1949, Act 214 [A-85].

## Chapter 51. NUISANCES.

§ 2705. Entering lands, buildings, etc. Am. L. 1953, Act 32 [A-54] supra.

## Chapter 52. NURSES.

§§ 2770, 2771. Am. L. 1945, Act 103 [A-54]; Am. L. 1947, Act 240 [A-57].

§ 2772. Am. L. 1945, Act 103 [A-54].

§ 2773. Am. L. 1947, Act 240 [A-57], rewritten p. 121.

§ 2774. Rep. L. 1947, Act 240 [A-57], p. 120.

§ 2775. Am. L. 1947, Act 240 [A-57], rewritten p. 122.

§ 2776. Rep. L. 1947, Act 240 [A-57], p. 120.

§ 2777. Am. L. 1947, Act 240 [A-57], rewritten p. 122.

§ 2778. Am. L. 1947, Act 240 [A-57], rewritten p. 123.

§ 2779. Am. L. 1945, Act 103 [A-54]; Am. L. 1947, Act 240 [A-57].

§ 2780. Am. L. 1947, Act 240 [A-57], rewritten p. 123.

§ 2781. Am. L. 1945, Act 103 [A-54].

## Series A-66: ACT 49

An Act Extending the Functions of the Commission on Nursing Education and Nursing Services, Amending Joint Resolution 18, Session Laws of Hawaii 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 2782]. SECTION 1. Section 5 of Joint Resolution 18 of the Session Laws of Hawaii 1951 is hereby amended to read as follows:

"Sec. 5. The functions of said commission shall not extend beyond June 30, 1955." [L. 1951, J. R. 18, s. 5; am. L. 1953, c. 49, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved May 1, 1953.) **H. B. 529, Act 49.**

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## Chapter 53. OPTOMETRY.

§ 2801. Optometry; practice of, defined. Am. L. 1949, Act 58 [A-86].

§ 2801.01. Optometry; unauthorized practice, unlawful. NEW, L. 1949, Act 58 [A-86].

§ 2805. Examination; certificate of registration. Am. L. 1949, Act 58 [A-86]; Am. L. 1951, Act 230 [A-61].

§ 2806. Expenses. Am. L. 1949, Act 58 [A-86].

§ 2808. Conduct of examinations. Am. L. 1949, Act 58 [A-86].

§ 2809. Refusal to permit examination or issue certificates; grounds for. Am. L. 1949, Act 58 [A-86]; Am. L. 1951, Act 230 [A-61].

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## Chapter 53A. OPTICIANS, DISPENSING.

§§ 2820-2834. Dispensing opticians. NEW, L. 1949, Act 183 [A-87].

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## Chapter 54. OSTEOPATHY.

§ 2855. Fees; fund. Am. L. 1951, Act 201 [A-62].

§ 2856. Application. Am. L. 1947, Act 185 [A-58].

§§ 2857-58. Rep. L. 1947, Act 185 [A-58].

§ 2859. Osteopathic physician and surgeon distinguished. Am. L. 1947, Act 185 [A-58]; Am. L. 1951, Act 201 [A-62].

§§ 2860-61. License. Am. L. 1947, Act 185 [A-58], rewritten p. 125.

§ 2864. Refusal and revocation of license. Am. L. 1947, Act 185 [A-58]; Am. L. 1949, Act 120 [A-88].

§ 2864.01. Board of health to consult with board of osteopathic examiners. NEW, L. 1949, Act 120 [A-88].

§ 2864.02. Notice of charges; hearing. NEW, L. 1949, Act 120 [A-88].

§ 2864.03. Restoration of license. NEW, L. 1949, Act 120 [A-88].

## Chapter 55. PHARMACISTS AND PHARMACY.

§§ 2901-2917.01. Pharmacy chapter rewritten. L. 1949, Act 175 [A-89].

## Series A-67: ACT 76

An Act to Amend Chapter 55 of the Revised Laws of Hawaii 1945, as Amended by Act 175 (Series A-89) of the Session Laws of 1949, Relating to the Board of Pharmacy and the Practice of Pharmacy in the Territory of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection (c) of **section 2901** of Act 175 (Series A-89) of the Session Laws of 1949 is hereby amended by adding the following sentence:

"The term 'patent medicine' shall not include therapeutic vitamins when used either alone, or in combination with other drugs." [L. 1903, c. 70, s. 1; am. L. 1923, c. 237, s. 1; R. L. 1925, s. 1090; am. L. 1933, c. 34, s. 1; R. L. 1935, s. 1410; R. L. 1945, s. 2901; am. L. 1945, c. 155, s. 1; L. 1949, c. 175, pt. of s. 1; am. L. 1953, c. 76, s. 1.]

SECTION 2. **Section 2913** of Act 175 (Series A-89) of the Session Laws of 1949 is hereby amended by adding thereto two new paragraphs reading as follows:

"(3) For wholesalers, to sell, distribute or dispense any drug, except to a pharmacist, physician, dentist, or veterinarian, or to a generally recognized industrial, agricultural, manufacturing or scientific user of drugs for professional or business purposes.

(4) For any person, as principal or agent, to conduct or engage in the business of preparing, manufacturing, compounding, packing or repacking any drug without first having obtained a permit from the board so to do." [L. 1949, c. 175, pt. of s. 1; am. L. 1953, c. 76, s. 2.]

SECTION 3. **Section 2914** of Act 175 (Series A-89) of the Session Laws of 1949 is hereby amended by adding after the word "pharmacy" appearing in the first sentence thereof the words:

"or to conduct or engage in the business of preparing, manufacturing, compounding, packing or repacking any drug".

and by adding after the word "pharmacy" appearing in the last sentence thereof the words:

"or to conduct or engage in the business of preparing, manufacturing, compounding, packing or repacking any

drug". [L. 1949, c. 175, pt. of s. 1; am. L. 1953, c. 76, s. 3.]

**SECTION 4.** This Act shall take effect upon its approval.  
(Approved May 9, 1953.) **S. B. 576, Act 76.**

**Chapter 56. POISONS.**

§ 2951. **Defined.** Am. L. 1945, Act 139 [A-56].

§ 2952. **Sale.** Am. L. 1945, Act 139 [A-56], rewritten p. 92.

**Chapter 56.01. PREVENTIVE MEDICINE.**

§ 2957. **Division; director and assistants.** NEW, L. 1951, Act 42 [A-63].

§ 2958. **Functions of the division.** NEW, L. 1951, Act 42 [A-63].

**Chapter 57. RADIUM.**

§ 3001. **Purchase of radium and other radioactive substances.**  
Am. L. 1949, Act 20 [A-90].

**Series A-68: ACT 133**

An Act to Amend Section 3004, Revised  
Laws of Hawaii 1945, Relating to Radium for Med-  
ical and Surgical Purposes.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1. Section 3004,** Revised Laws of Hawaii 1945,  
is hereby amended as follows:

1. By amending subparagraph (a) thereof to read as fol-  
lows:

(a) Minimum charge five dollars.

2. By amending subparagraph (c) thereof to read as fol-  
lows:

(c) The fee between the minimum and the maximum  
to be at the rate of one and one-half cents per milligram  
per hour.

3. By adding a new paragraph following subparagraph (c)  
to read as follows:

"A charge shall be made for the use of radium appli-  
cators belonging to the Territory and in control of the  
board of health which charge shall be one dollar for each  
usage."

4. By inserting the words "or radium applicators" fol-  
lowing the word "radium" as used in the first line of sub-  
section (e) of section 3004, Revised Laws of Hawaii 1945.  
[L. 1935, J. R. 2; R. L. 1945, s. 3004; Am. L. 1953, c. 133; s. 1.]

**SECTION 2.** This Act shall take effect upon its approval.  
(Approved May 27, 1953.) **S. B. 197, Act 133.**



## Chapter 59. VETERINARY MEDICINE, SURGERY AND DENTISTRY.

§§ 3071-79. **Veterinary medicine.** Chapter rewritten, L. 1949, Act 280 [A-91].

## Chapter 59.01. PUBLIC HEALTH STATISTICS.

§§ 3100.01-.33. **Public health statistics.** NEW, L. 1949, Act 307 [A-92].

§§ 3100.02, 3100.12, 3100.13, 3100.28-.29. **Public health statistics.** Am. L. 1951, Act 92 [A-64], rewritten pp. 181-183.

§ 3100.27. **Permit for removal, burial, disposition of body.** Am. L. 1951, Act 92 [A-64].

§ 3100.32-A. **Registration of divorces and annulments.** Am. L. 1951, Act 62 [A-65].

## Title 7: HOUSING.

## Chapter 61. HAWAII HOUSING AUTHORITY.

§ 3503. **Housing Project.** Am. L. 1951, Act 134 [A-66].

§ 3505. **Housing authority to be public corporation; commissioners.** Am. L. 1949, Act 302 [A-93].

§ 3507. **Interested commissioners, officers or employees.** Am. L. 1951, Act 134 [A-66].

§ 3509. **Powers.** Am. L. 1947, J. R. 4. See also L. 1949, Act 268 [B-166], Act 281 [B-167] reciprocal rights, duties, exchange of services with counties.

§ 3515. **Additional Powers.** Am. L. 1951, Act 134 [A-66].

§§ 3520.01-.02. **Contracts; bonds.** NEW, L. 1949, Act 229 [A-94].

§ 3522. **Exemption of property from execution sale.** Am. L. 1949, Act 229 [A-94], rewritten p. 202.

§ 3524. **Bonds.** Am. L. 1945, Act 200 [A-58].

§ 3530. **Housing bonds as legal investments.** Am. L. 1951, Act 134 [A-66].

§ 3532. **Rentals, etc.** Am. L. 1947, J. R. 4; Am. L. 1951, Act 134 [A-66].

§§ 3532.01-.04. **Housing, eviction.** NEW, L. 1949, Act 384 [A-95].

§§ 3533-35. **Repealed.** L. 1951, Act 134 [A-66-].

§§ 3536-37. **Am. L. 1951, Act 134 [A-66].**

§§ 3536-38. **Rural housing, etc.** NEW, L. 1945, Act 200 [A-58].

§§ 3539.01-.08. **Housing authority, lien on personalty.** NEW, L. 1949, Act 220 [A-96].

§§ 3540.01-.06. **Housing authority, liens.** NEW, L. 1949, Act 128 [A-97].

§§ 3541.01-.11. **Housing authority, revenue bonds.** NEW, L. 1949, Act 338 [A-98].

## Series A-69: ACT 44

An Act to Amend Joint Resolution 4 of the Session Laws of Hawaii 1947, as Amended, Relating to Housing, by Amending Sections 16 and 21 Thereof and by Adding Thereto a New Section to be Numbered Section 21.1.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 3542]. SECTION 1. **Joint Resolution 4** of the Session Laws of Hawaii 1947, as amended, is hereby further amended in the following respects:

(1) By amending section 16 thereof by substituting for the word, figures and punctuation "June 30, 1953", wherever the same occur in said section, the word, figures and punctuation "June 30, 1959".

(2) By amending section 21 thereof by substituting for the word, figures and punctuation "June 30, 1953", at the end of said section, the word, figures and punctuation "June 30, 1959".

(3) By adding thereto, after said section 21 thereof, a new section to be numbered section 21.1 and to read as follows:

**"Section 21.1.** The Hawaii housing authority shall insure and keep insured against loss or damage by fire, with extended coverage endorsement, each building that is housing, or a part of housing, developed, in whole or in part, from moneys appropriated by section 18 of this Act, and the equipment of the Hawaii housing authority contained therein, in a responsible insurance company or companies, in at least an amount equal to the sum of all moneys expended from the said appropriation upon each such building, payable, in case of loss to the Hawaii housing authority. The cost of such insurance shall be paid out of the revenues from housing developed, in whole or in part, from moneys appropriated by said section 18, any provision of this Joint Resolution to the contrary notwithstanding. This section shall apply to buildings owned by the United States upon which such moneys have been so expended, as well as to other housing developed from such appropriation, and shall not be construed as limiting any other powers of the Hawaii housing authority, including the power to insure buildings or structures, and, also, the power to pay the cost of insurance from housing revenues as provided in section 20 hereof." [L. 1953, c. 44, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved May 1, 1953.) **S. B. 225, Act 44.**

## Chapter 63. GOVERNMENT AID FOR HOUSING PROJECTS.

§ 3651. **Conveyance, etc. in aid of housing project; purchase of bonds.** Am. L. 1951, Act 122 [A-67].

## Title 8: INSTITUTIONS.

## Chapter 67. INDUSTRIAL SCHOOLS.

§ 3842. Establishment and supervision of industrial and reformatory schools. Am. L. 1951, Act 212 [A-68], rewritten p. 191.

§ 3843. Names of schools. Am. L. 1951, Act 54 [A-69].

§ 3843.01. Forestry Camp. Am. L. 1951, Act 54 [A-69].

§ 3860.01. Inactive accounts. NEW, L. 1945, Act 65 [A-59].

§ 3860.02. Claims against pupils. NEW, L. 1945, Act 137 [A-60].

## Series A-70: ACT 152

An Act to Amend Section 3868 and Section 3869 of Chapter 67 of the Revised Laws of Hawaii 1945, Relating to Industrial and Reformatory Schools.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3868 of chapter 67 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "any district magistrate" appearing in line five thereof and substituting in lieu thereof the words "the judge of the juvenile court". [L. 1882, c. 30, s. 1; am. L. 1911, c. 150, s. 7; am. L. 1915, c. 81, s. 6; R. L. 1925, s. 377; R. L. 1935, s. 4597; am. L. 1939, c. 203, pt. of s. 5; R. L. 1945, s. 3868; am. L. 1953, c. 152, s. 1.]

SECTION 2. Section 3869 of chapter 67 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "any district magistrate" appearing in line five thereof and substituting in lieu thereof the words "the judge of the juvenile court". [L. 1882, c. 30, s. 2; am. L. 1915, c. 81, s. 6; R. L. 1925, s. 378; R. L. 1935, s. 4598; am. L. 1939, c. 203, pt. of s. 5; R. L. 1945, s. 3869; am. L. 1953, c. 152, s. 2.]

SECTION 3. This Act shall take effect upon its approval. (Approved June 1, 1953.) H. B. 944, Act 152.

## Chapter 68. PRISONS, JAILS, ADMINISTRATION:

## PRISONERS.

§ 3905.01. Maui county jail. NEW, L. 1951, Act 105 [A-70].

§ 3906. Jailors, appointment, etc. Am. L. 1951, Act 113 [A-71].

§ 3928. Territorial prison camps. Am. L. 1949, Act 238 [A-99].

§ 3936. Compensation for labor by prisoners. Am. L. 1949, Act 148 [A-100].

§ 3950. Commutation of punishment, felons. Am. L. 1949, Act 332 [A-101].

§ 3960. Terms and conditions of parole. Am. L. 1949, Act 13 [A-102], rewritten p. 219.

§ 3963. Final discharge. Am. L. 1949, Act 2 [A-103], rewritten p. 220.

§§ 3968-71. Rep. L. 1947, Act 246 [A-38].

## Chapter 69. TERRITORIAL HOSPITAL.

§ 4001. **Definitions.** Am. L. 1949, Act 337 [A-104], rewritten p. 231.

§ 4002. **Hospital.** Am. L. 1949, Act 337 [A-104], rewritten pp. 231-232.

§ 4003. **Commitments and discharges under this chapter.** Am. L. 1949, Act 337 [A-104], rewritten p. 232.

§ 4008. **Custody of inmates, apprehension of escapees, etc.** Am. L. 1949, Act 337 [A-104].

§ 4009. **Director to visit hospital; report to governor.** Am. L. 1949, Act 337 [A-104].

§ 4010. **Special wards.** Am. L. 1949, Act 337 [A-104].

§ 4011. **Examination and treatment of patients.** Am. L. 1949, Act 337 [A-104].

§ 4013. **Inmates' liability for expense.** Am. L. 1949, Act 337 [A-104].

§ 4013.01. **Fund for improvements, etc.** NEW, L. 1945, Act 201 [A-62].

**COURT ORDERS FOR HOSPITALIZATION.**

§ 4015. **Court order for hospitalization; application for order; certificate.** Am. L. 1949, Act 337 [A-104].

§ 4016. **Service of notice.** Am. L. 1949, Act 337 [A-104].

§ 4017. **Determination of mental illness; order for hospitalization.** Am. L. 1949, Act 337 [A-104].

§ 4018. **Appeal from order of commitment.** Am. L. 1949, Act 337 [A-104].

**Series A-71: ACT 164**

An Act to Amend Sections 4018, 4026, 4027, 4028, 4029, 4030 and 4032 and the Subtitle Between Sections 4026 and 4027, of the Revised Laws of Hawaii 1945, As Amended, Relating to the Psychiatric Commission.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 4018** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the phrase "psychiatric commission" wherever it appears therein, the phrase "commission existing under the provisions of section 4027". [L. 1925, c. 114, s. 13; R. L. 1935, s. 1244; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4018; am. L. 1953, c. 164, s. 1.]

SECTION 2. **Section 4026** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the phrase "psychiatric commission" appearing therein, the phrase "commission existing under the provisions of section 4027". [L. 1925, c. 114, s. 18; R. L. 1935, s. 1249; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4026; am. L. 1949, c. 337, s. 23; am. L. 1953, c. 164, s. 2.]

SECTION 3. The subtitle between **sections 4026 and 4027** of the Revised Laws of Hawaii 1945, is hereby amended to read "Appeals commission; procedure."

SECTION 4. **Section 4027** of the Revised Laws of Hawaii 1945 is hereby amended as follows:

(a) By amending the title and the first sentence thereof to read as follows:

**"Sec. 4027. Appeals commission.** There is hereby created a territorial hospital and Waimano Home appeals commission, hereinafter in this chapter referred to as the 'appeals commission', consisting of two duly licensed physicians of the Territory, one of whom shall have had at least two years' training or experience in the diagnosis and treatment of nervous and mental disorders and the other of whom shall have had at least five years' experience in the actual practice of his profession in the Territory, and one attorney admitted to practice in all courts of the Territory."

(b) By adding thereto, at the end thereof, a new sentence, to read as follows:

"The governor shall appoint and may remove, in the manner above provided, an alternate for each member of the commission. Each such alternate member shall have the same qualifications as, and a term of office coextensive with, the regular member for whom he is an alternate. In the event that any regular member is unable for any reason to hear any appeal, his alternate shall have full authority to act in his stead as a regular member of the commission." [L. 1925, c. 114, s. 19; am. L. 1933, c. 43, s. 1; R. L. 1935, s. 1242; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4027; am. L. 1953, c. 164, s. 4.]

SECTION 5. Sections 4028, 4029, 4030 and 4032 of the Revised Laws of Hawaii 1945, as amended, are hereby further amended to read as follows:

**"Sec. 4028. Temporary assistants.** Officers and employees of any governmental department or bureau may be temporarily detailed by the chief executive of such department or bureau to assist the appeals commission as required, and in such event shall serve without additional compensation, but no such officer or employee shall be deprived of his regular compensation because of such service with the commission. [L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4028; am. L. 1953, c. 164, pt. of s. 5.]

**Sec. 4029. Hearing of appeals.** It shall be the duty of the appeals commission to hear and determine all cases brought before it on appeal. Upon such appeal the appellant shall have the right to be represented by counsel and to produce witnesses and to offer other appropriate evidence for the person on whose behalf the appeal is prosecuted. The attorney general shall, upon the request of the director of institutions, represent the department of institutions in connection with any such appeal. The appeals commission shall have the powers vested in boards and commissions under Act 329, Session Laws of Hawaii 1949, and the usual rules of evidence before the circuit courts shall apply. The appeals commission shall have authority to obtain, and to consider in arriving at its decision, reports of psychiatric or psychological or medical examinations of the person on whose behalf the appeal is prosecuted performed by qualified psychiatrists or psychologists or physicians other than the psychiatrists or psychologists or physicians whose reports were considered in the legal proceeding by which such person was ordered to be hospitalized or committed. If, after a hearing, the appeals commission shall determine that the person by or on whose behalf the appeal is prosecuted requires additional institutional care or treatment, it shall dismiss the appeal and remand the person to the custody of the institution. If, after such hearing, the appeals commission shall determine that additional institutional care or treatment is not required, the commission shall order the person be discharged absolutely; **provided**, however, that if such person, under the provisions of section 4069 or otherwise, shall have been transferred for care and treatment to the institution from which he is seeking release, and the commission shall find that such institutional care and treatment is no longer required, the commission shall order such person to be returned to the custody of the institution from which he was previously transferred. No appeal shall lie from a decision of the commission. [L. 1925, c. 114, s. 21; R. L. 1935, s. 1250; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4029; am. L. 1949, c. 337, s. 24; am. L. 1953, c. 164, pt. of s. 5.]

**Sec. 4030. Evidence and decision to be filed.** The commission shall cause to be reduced to writing the substance of the evidence taken upon the hearing of any appeal and where such appeal is denied the commission shall state its reasons in writing for such denial and its decision shall be filed with the director of in-

stitutions. Whenever the commission shall order the person to be discharged absolutely it shall file a copy of its order in the proceeding in which the person was ordered hospitalized or committed. [L. 1925, c. 114, s. 24; R. L. 1935, s. 1253; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4030; am. L. 1949, c. 337, s. 25; am. L. 1953, c. 164, pt. of s. 5.]

**Sec. 4032. Compensation of commissioners; expenses.**

The members of the commission shall be paid twenty dollars per day or portion thereof of actual service. All necessary expenses and compensation of the commission shall be paid out of any available funds appropriated for the use of the department of institutions in connection with the operation and maintenance of the institution in question." [L. 1925, c. 114, s. 26; am. L. 1933, c. 43, s. 2; R. L. 1935, s. 1255; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4032; am. L. 1953, c. 164, pt. of s. 5.]

SECTION 6. This Act shall take effect on July 1, 1953. (Approved June 1, 1953.) S. B. 282, Act 164.

§ 4019. Conveyance to hospital. Am. L. 1951, Act 16 [A-72].

**COUNTY MENTAL ILLNESS WARDS:  
TEMPORARY HOSPITALIZATION.**

§ 4020. Reception at the hospital. Am. L. 1949, Act 337, [A-104].

§ 4021. County Mental illness wards. Am. L. 1949, Act 337 [A-104].

§ 4021. County detention wards. Am. L. 1951, Act 219 [A-73].

§ 4022. Hospitalization in county mental illness ward; order for temporary hospitalization therein. Am. L. 1949, Act 337 [A-104].

§ 4023. Emergency admission on incomplete court commitment. Am. L. 1949, Act 337 [A-104].

§ 4023.01. Temporary transfer of institutional inmates to territorial hospital. NEW, L. 1949, Act 50 [A-105].

**HOSPITALIZATION OF VICTIMS OF DRUGS OR LIQUOR.**

§ 4024. Persons habituated to excessive use of drugs or liquor. Am. L. 1949, Act 337 [A-104].

§ 4025. Order of commitment. Am. L. 1949, Act 337 [A-104].

§ 4026. Appeal from order for hospitalization. Am. L. 1949, Act 337 [A-104]; Am. L. 1953, Act 164 [A-71], supra.

**APPEALS COMMISSION; PROCEDURE.**

§ 4027. Psychiatric commission. Am. L. 1953, Act 164 [A-71], supra.

§ 4028. Temporary assistants. Am. L. 1953, Act 164 [A-71], supra.

§ 4029. Hearing of appeals. Am. L. 1949, Act 337 [A-104]; Am. L. 1953, Act 164 [A-71], supra.

§ 4030. Evidence and decision to be filed. Am. L. 1949, Act 337 [A-104]; Am. L. 1953, Act 164 [A-71], supra.

§ 4032. Compensation of commissioners; expenses. Am. L. 1953, Act 164 [A-71], supra.

**HOSPITALIZATION WITHOUT COURT ORDER.**

§ 4033. Admission of insane person on certificate of physician. Am. L. 1949, Act 337 [A-104].

§ 4034. Voluntary hospitalization. Am. L. 1949, Act 337 [A-104].

§ 4035. Further requirements for voluntary admission. Am. L. 1949, Act 337 [A-104].

§ 4036. Presumption. Am. L. 1949, Act 337 [A-104].

**DISCHARGE.**

§ 4038. By medical director. Am. L. 1949, Act 337 [A-104].

§ 4039. Appeal from the decision of the medical director. Am. L. 1949, Act 337 [A-104].

§ 4040. Transfer of certain persons to Waimano home. Am. L. 1949, Act 391 [A-106].

§ 4042. Guardian for insane patient. Am. L. 1949, Act 337 [A-104].

Chapter 70. WAIMANO HOME.

§ 4061. Waimano home. Am. L. 1949, Act 391 [A-106].

**Series A-72: ACT 114**

An Act Amending Chapter 70 of the Revised Laws of Hawaii 1945, Relating to Waimano Home, by Amending Sections 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4069.01, 4070 and 4071 thereof, as Amended, and by Adding thereto a New Section to be Numbered Section 4066.01, and Repealing Section 4072 thereof.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Sections 4061, 4062, 4063, 4064, 4065 and 4066 of chapter 70 of the Revised Laws of Hawaii 1945, as amended, are hereby further amended to read as follows:

**"Sec. 4061. Waimano Home.** There shall be in the city and county of Honolulu an institution known as Waimano Home. Waimano Home shall be a home for persons who, because of mental defect, or epilepsy, are incapable of independent self-support and self-management in the community. [L. 1919, c. 102, s. 1; am. L. 1923, c. 94, s. 1; R. L. 1925, s. 1172; R. L. 1935, s. 1030; am. L. 1939, c. 203, pt. of s. 3-a; am. L. 1941, c. 5, pt. of s. 4; R. L. 1945, s. 4061; am. L. 1949, c. 391, s. 2 (a); am. L. 1953, s. 114, pt. of s. 1.]

**Sec. 4062. Home conducted by director of institutions.** The director of institutions, appointed pursuant to the provisions of chapter 64, hereinafter referred to as 'director', shall be responsible for the administration and control of Waimano Home. [L. 1919, c. 102, s. 2; R. L.



1925, s. 1173; R. L. 1935, s. 1031; am. L. 1939, c. 203, s. 3-a; am. L. 1941, c. 5, pt. of s. 4; am. L. 1943, c. 125, s. 2; R. L. 1945, s. 4062; am. L. 1949, c. 391, s. 2 (b); am. L. 1953, c. 114, pt. of s. 1.]

**Sec. 4063. Same. Rules and regulations.** The director shall have authority to prescribe rules and regulations necessary for the management of the Waimano Home and to appoint and remove, subject to the provisions of law, officers and employees thereof for whose compensation provision has been made by the legislature, and to perform such other acts as are necessary for the proper conduct and maintenance of the home. [L. 1919, c. 102, s. 3; R. L. 1925, s. 1174; R. L. 1935, s. 1032; am. L. 1941, c. 5, pt. of s. 4; R. L. 1945, s. 4063; am. L. 1949, c. 391, s. 2 (c); am. L. 1953, c. 114, pt. of s. 1.]

**Sec. 4064. Persons incapable of independent self-support and self-management.** Any person who is found to be incapable of independent self-support and self-management in the community and to require institutional care, supervision and control for his own welfare, or for the welfare of his family or for the welfare of the community, and who is found to be afflicted with any of the mental defects set forth in section 4065, or who is found to be afflicted with epilepsy in accordance with the provisions of section 4067, shall be subject to commitment to the Waimano Home. [L. 1919, c. 102, s. 4; R. L. 1925, s. 1175; R. L. 1935, s. 1033; am. L. 1943, c. 204, pt. of s. 1; R. L. 1945, s. 4064; am. L. 1953, c. 114, pt. of s. 1.]

**Sec. 4065. Mentally defective persons.** The mental defects referred to in section 4064, above, are as follows: (a) a defect of general mental developmental growth associated with chronic brain syndrome; or, (b) a defect of intelligence existing since birth, without demonstrated organic brain disease or known pre-natal cause; or, (c) a defect of intelligence arising after mental maturity has been attained, due to infection, trauma, or other disease process. [L. 1919, c. 102, s. 5; R. L. 1925, s. 1176; R. L. 1935, s. 1034; R. L. 1945, s. 4065; am. L. 1949, c. 391, s. 2 (d); am. L. 1953, c. 114, pt. of s. 1.]

**Sec. 4066. Commitment of mentally defective persons; application, certificate.** Any circuit judge at chambers shall have jurisdiction to order commitments to the Waimano Home and no person sought to be committed shall be entitled to a jury trial of the issues raised by any application for commitment; **provided**, however, that, in

the first circuit, a minor child may be committed only upon order of the judge of the juvenile court. Any adult relative or the guardian or the custodian of the individual sought to be committed, or any authorized agent of an organization approved under the provisions of section 4830, as amended, or of any governmental department or bureau, may file in the circuit court of the circuit in which such individual resides, or in the circuit court of the first circuit, an application for the commitment of such individual to the Waimano Home. Such application shall be verified and there shall be attached thereto a certificate executed and verified by a committee consisting of a psychiatrist, a clinical psychologist and a psychiatric social worker, qualified by professional training and experience to make the findings and diagnoses authorized under the provisions of sections 4064 and 4065, certifying that the individual sought to be committed has been examined by the committee and has been found to come within the provisions of sections 4064 and 4065, above, and that the individual should be committed to Waimano Home. Such committee may consist of personnel of the bureau of mental hygiene or it may consist of any other psychiatrist, clinical psychologist and psychiatric social worker qualified as above provided. Such examination shall include the administration of psychological tests appropriate as an aid in the diagnosis of mental deficiency and such certificate shall include a report of the results of such tests as well as a statement of the facts which are alleged to bring the individual within the provisions of section 4064. Appropriate forms for the application, certificate and statement hereinabove referred to shall be furnished by the department of institutions." [L. 1919, c. 102, s. 7; R. L. 1925, s. 1177; R. L. 1935, s. 1035; am. L. 1943, c. 204, pt. of s. 1, s. 3; R. L. 1945, s. 4066; am. L. 1949, s. 391, s. 2 (e); am. L. 1953, c. 114, pt. of s. 1.]

SECTION 2. Chapter 70 of the Revised Laws of Hawaii 1945 is hereby further amended by adding thereto a new section to be numbered section 4066.01, and to read as follows:

**"Sec. 4066.01. Hearing of application; notice, duties of county officers; appeal.** The judge shall, not less than ten days after the filing of such application, conduct a hearing thereon which shall be conducted in the presence of the person sought to be committed. A copy of such application, together with notice of the time and place of the hearing thereon, shall be personally served upon the person sought to be committed and upon any parent, guardian or custodian who has not joined in such applica-

tion, not less than ten days prior to such hearing. In the event that personal service upon such parent, guardian or custodian cannot be effected within the Territory, service may be made as provided in section 10061 or 10062, whichever is applicable. It shall be the duty of the city and county attorney and the respective county attorneys, at the request of any governmental department or agency, to prepare, file and present applications under the provisions of this chapter within their respective jurisdictions. Every order of commitment entered under the provisions of this chapter shall contain a specific finding of the facts which bring the individual sought to be committed within the provisions of this chapter. Any such order shall be subject to appeal, under the same terms and provisions as are set forth in section 9503, by the individual sought to be committed, or by the guardian, or custodian, or any adult relative of such individual; **provided**, however, that unless specifically so ordered by the supreme court, no such appeal shall operate as a stay of the order of commitment, which shall be executed notwithstanding such appeal, subject to the release of the individual sought to be committed by order of the supreme court at any stage of the appeal." [L. 1953, c. 114, s. 2.]

SECTION 3. Sections 4067, 4069, 4069.01, 4070 and 4071 of said chapter 70, as amended, are hereby further amended to read as follows:

**"Sec. 4067. Epileptic persons.** The jurisdiction and procedure for the commitment of persons afflicted with epilepsy shall be the same as is set forth in sections 4066 and 4066.01 of this chapter except that the certificate to be attached to the petition shall be executed and verified by a committee consisting of two licensed physicians qualified by professional training and experience in the diagnosis and treatment of epilepsy and a social worker qualified by professional training and experience in determining the findings required under the provisions of section 4064 for commitment to Waimano Home. The examination of an alleged epileptic person may but need not include the administration of psychological tests. The certificate shall certify that the person sought to be committed has been examined by the committee and that such person comes within the provisions of section 4064 and that such person is afflicted with epilepsy to such degree and of such a character as to require institutional treatment, care and supervision. [L. 1943, c. 204, pt. of s. 1; R. L. 1945, s. 4067; am. L. 1953, c. 114, pt. of s. 3.]

**Sec. 4069. Commitment to Waimano Home of persons committed to other institutions.** Any person who has legally been ordered to be hospitalized at, or committed to, or imprisoned in any other institution under the control of the territorial department of institutions, may, notwithstanding such prior commitment, be committed to the Waimano Home under the provisions of this chapter; **provided**, however, that no such person shall be committed to Waimano Home otherwise than upon the application of the director of institutions. [L. 1919, c. 102, s. 8; R. L. 1925, s. 1179; R. L. 1935, s. 1037; am. L. 1941, c. 5, pt. of s. 4; R. L. 1945, s. 1069; am. L. 1949, c. 391, s. 2 (f); am. L. 1953, c. 114, pt. of s. 3.]

**Sec. 4069.01. Observation and re-examination; certification. Finality of order.** No person committed to the Waimano Home shall be detained therein for a period of more than sixty days unless, prior to the expiration of sixty days from the date of admission, or within such further period as may be allowed by the judge, the director of institutions shall have caused such person to be observed and examined by one or more qualified psychiatrists or physicians, other than the signers of the certificate referred to in sections 4066 and 4067, and shall have filed in the circuit court in which the application for the commitment was filed a certificate signed by such examiner or examiners and setting forth the results of such examination and the finding of such examiner or examiners that such person is in need of continued care, custody and treatment in the Waimano Home. Upon the filing of such certificate, the judge may make a final order of commitment and such person shall thereafter remain in the Waimano Home until discharged or conditionally released or granted leave or transferred in accordance with the provisions of this chapter; **provided**, however, that if the judge is not satisfied that a final order of commitment should be entered on the basis of the certificate mentioned in this section, he may order a rehearing of the original application, upon the same terms and conditions as are set forth in section 4066.01 hereof and may require such further examination and such further certificate as he may deem necessary in order to protect the rights of the alleged mentally deficient or epileptic person, before entering such final order. [L. 1949, c. 391, s. 2-(g); am. L. 1953, c. 114, pt. of s. 3.]

**Sec. 4070. Discharge; conditional release; leave of absence; transfer.** The superintendent of the home shall, when authorized by the director, discharge any person

committed as hereinabove provided whom the director shall find to be no longer within the provisions of section 4064. Such a finding shall be made only upon the basis of a certificate executed and verified by a committee constituted as provided in section 4066, in the case of a mentally deficient person, or as provided in section 4067, in the case of an epileptic person, and setting forth the opinion of such committee that such person no longer comes within the provisions of section 4064 and the reasons for such opinion. Every such finding and the certificate upon which the same is based shall be filed in the proceeding by which such person was committed. Upon the discharge of any person coming within the provisions of section 4069 at any time prior to the expiration of the period during which such person could legally have been detained at the institution to which such person was previously committed or sentenced, such person shall be returned to the custody of such institution.

The superintendent of the home, when authorized by the director, may conditionally release or grant a temporary leave of absence to any person committed as hereinabove provided whom the director shall find to be potentially capable of self-support and self-management in the community. Any such release or leave shall be subject to such terms and conditions as may be imposed by the director and any such person may be retaken and detained at any time upon the finding of the director that there has been a breach or failure of any such terms and conditions. The director may, for the purpose of providing suitable training for any minor committed as hereinabove provided, transfer such minor to any institution for the training of minors which is under the control of the department of institutions. Such action shall be taken only if the director shall find that the best interests of the minor will be served thereby and the duration of such transfer shall not exceed the minority of the person transferred. [L. 1919, c. 102, s. 9; R. L. 1925, s. 1180; R. L. 1935, s. 1038; am. L. 1941, c. 5, pt. of s. 4; R. L. 1945, s. 4070; am. L. 1949, s. 391, s. 2 (h); am. L. 1953, c. 114, pt. of s. 3.]

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**Sec. 4071. Appeal to appeals commission.** Any person detained at Waimano Home and any guardian, adult relative or friend of such person shall be entitled to apply to the director of institutions for a hearing by the appeals commission existing under the provisions of section 4027 on the question whether such person comes within the provisions of section 4064 of this chapter. Upon the

receipt of any such application, it shall be the duty of the director to forward the same to the appeals commission together with copies of all departmental records concerning such person and it shall be the duty of the commission to hold such hearing within sixty days from the date of the receipt of such application and such records. In every case before the appeals commission under this section, the commission shall consider the committee report upon which the original commitment was based, all subsequent institutional reports, and all available clinical, medical, and psychological records relating to the person upon whose behalf the appeal is prosecuted. If the appeals commission shall find that such person does not come within the provisions of section 4064, and shall certify its findings to the director, such person shall forthwith be discharged from the Waimano Home. A copy of such findings and a certificate of discharge shall be filed by the director in the proceeding by which such person was committed. The appeals commission shall not be required to hold such hearing in reference to the same person more than once in any period of six months." [L. 1929, c. 211, s. 1; R. L. 1935, s. 1039; am. L. 1939, c. 203, pt. of s. 3-a; am. L. 1941, c. 5, pt. of s. 4; am. L. 1943, c. 204, pt. of s. 4; R. L. 1945, s. 4071; am. L. 1949, c. 391, s. 2 (i); am. L. 1953, c. 114, pt. of s. 3.]

SECTION 4. Chapter 70 of the Revised Laws of Hawaii 1945 is hereby further amended by repealing section 4072 thereof.

SECTION 5. This Act shall take effect on July 1, 1953.

(Approved May 19, 1953.) S. B. 281, Act 114.

§ 4062. Home conducted by director of institutions. Am. L. 1949, Act 391 [A-106].

§ 4063. Same; rules and regulations. Am. L. 1949, Act 391 [A-106], rewritten p. 236.

§ 4065. Entitled to admission. Am. L. 1949, Act 391 [A-106].

§ 4066. Commitment of feeble-minded person; application for order; certificate; forms. Am. L. 1949, Act 391 [A-106].

§ 4068. Liability for expense of support of persons committed; inmates' liability. Am. L. 1945, Act 193 [A-65].

§ 4069. Admission without commitment. Am. L. 1949, Act 391 [A-106], rewritten p. 236.

§ 4069.01. Reception of certain persons from the territorial hospital. NEW, L. 1949, Act 391 [A-106].

§ 4070. Discharge. Am. L. 1949, Act 391 [A-106], rewritten p. 236.

§ 4071. Unlawful detention; appeals. Am. L. 1949, Act 391 [A-106].

§ 4072. Repealed, L. 1953, Act 114 [A-72], supra.

§ 4075. Earnings of patients. Am. L. 1949, Act 39 [A-106].

§ 4077. Compensation for labor by patients of Waimano Home. NEW, L. 1947, Act 183 [A-60].

Title 9: LABOR.

Chapter 71. DEPARTMENT.

- § 4104. Director of labor and industrial relations. Am. L. 1953, Act 105 [A-41], supra.
  - § 4104.01. Legal assistance. Am. L. 1953, Act 105 [A-41], supra.
  - § 4105. Bureaus within the department. Am. L. 1949, Act 76 [A-110].
  - § 4112. Duties and powers of the commission. Am. L. 1951, Act 23 [A-74].
  - § 4114. Duties and powers of director. Am. L. 1949, Act 102 [A-107].
  - § 4121. Child labor; certificates; penalty. Am. L. 1945, Act 9 [A-66]; Am. L. 1947, Act 49 [A-6]; Am. L. 1951, Act 19 [A-75].
  - § 4122. Rep. L. 1945, Act 9 [A-66].
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Chapter 72. APPRENTICESHIP.

- § 4146. Apprentice agreements. Am. L. 1945, Act 22 [A-67].
  - § 4148. Ter.-Fed. cooperation. NEW, L. 1945, Act 22 [A-67].
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Chapter 72A. HAWAII EMPLOYMENT RELATIONS ACT.

- §§ 4150.01-.20. Employment relations act. NEW, L. 1945, Act 250 [A-68].
  - § 4150.04. Hawaii Employment Relations Board. Am. L. 1951, Act 249 [A-76].
  - § 4150.05. Conciliator. Am. L. 1951, Act 249 [A-76].
  - § 4150.09. Prevention of unfair labor practices. Am. L. 1951, Act 249 [A-76].
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Chapter 72B. EMIGRANT AGENTS.

- § 4155.01. Definition; exemptions. NEW, L. 1951, Act 106 [A-77].
  - § 4155.02. Conditions of license. NEW, L. 1951, Act 106 [A-77].
  - § 4155.03. License; term; renewal. NEW, L. 1951, Act 106 [A-77].
  - § 4155.04. Reports by emigrant agents. NEW, L. 1951, Act 106 [A-77].
  - § 4155.05. Recruiting minors. NEW, L. 1951, Act 106 [A-77].
  - §§ 4155.06-.07. Approval and breach of bonds. NEW, L. 1951, Act 106 [A-77].
  - § 4155.08. Penalty for violations. NEW, L. 1951, Act 106 [A-77].
  - § 4155.09. Cancellation or suspension of license; appeals. NEW, L. 1951, Act 106 [A-77].
  - § 4155.10. Chapter 71 applicable. NEW, L. 1951, Act 106 [A-77].
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Series A-73: ACT 48

An Act to Amend Chapter 72B, Revised Laws of Hawaii 1945, as Enacted by Act 106, Session Laws of Hawaii 1951, Relating to the Licensing and Regulation of Emigrant Agents.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 4155.02]. SECTION 1. Chapter 72B of the Revised Laws of Hawaii 1945, as enacted by Act 106, Session Laws of Hawaii 1951, is hereby amended by adding a new subsection at the end of section 2 thereof, to be lettered (f) and to read:

“(f) Where the director finds that an applicant is recruiting workers for employment in the performance of a contract with the United States or any state or territory or with an instrumentality thereof, he may waive the filing of a bond by such applicant and the filing of any reports which may be required by the rules and regulations of the commission.” [L. 1951, c. 106, pt. of s. 1; L. 1953, c. 48, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945, as amended.

(Approved May 1, 1953.) **H. B. 8, Act 48.**

#### Chapter 73. LABOR DISPUTES, PUBLIC UTILITIES.

§§ 4161-76. **Pub. utilities labor.** Am. L. 1949, Act 146 [A-109]. Chapter rewritten.

#### Chapter 73A. LABOR DISPUTES, STEVEDORING INDUSTRY.

§§ 4181.01-4181.10. **Labor disputes, stevedoring industry.** NEW, L. 1951, Act 209 [A-78].

#### Chapter 74. HAWAII EMPLOYMENT SECURITY.

§ 4201. **Short title.** Am. L. 1949, Act 76 [A-110].

§ 4202. **Definitions.** Am. L. 1947, Act 75 [A-63]; Am. L. 1951, Act 195 [A-79]; Subsec. (o), rep. L. 1953, Act 41 [A-74], *infra*.

§ 4204. **Place of performance.** Am. L. 1947, Act 75 [A-63], rewritten p. 137.

§ 4208. **Excluded service.** Par. Q repealed, L. 1951, Act 195 [A-79]. Succeeding proviso amended; rewritten pp. 214-217; Am. L. 1951, Act 191 [A-80]; Am. L. 1953, Act 41 [A-74], *infra*.

§ 4211. **Definition of wages.** Am. L. 1953, Act 23 [A-76], *infra*.

§ 4212. **Excluded payments.** Am. L. 1951, Act 191 [A-80].

#### Series A-74: ACT 41

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 74 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:



(1) By repealing **section 4213**, and by substituting for the figures "4213-4229" in **section 4295** the figures "4214-4229". [s. 17 (b); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 37; R. L. 1945, s. 4295; am. L. 1953, c. 41, s. 1 (1).]

(2) By repealing subsection (o) of **section 4202**, as amended, and by substituting for the words "Social Security Board" wherever they appear in **sections 4208, 4226 and 4269**, as amended, and in **sections 4283 and 4284** the words "Secretary of Labor".

(3) By amending section 4273 to read:

**"Sec. 4273. Federal-territorial cooperation.** In the administration of this chapter the board shall cooperate with the United States Department of Labor to the fullest extent consistent with the provisions of this chapter, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this Territory and its citizens all advantages available under the provisions of the Social Security Act, as amended, the Federal Unemployment Tax Act, and the Wagner-Peyser Act, as amended. The board shall comply with the regulations of the Secretary of Labor relating to the receipt or expenditure by this Territory of money granted under any of such Acts and shall make such reports, in such form and containing such information as the Secretary of Labor may from time to time require, and shall comply with such provisions as the Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports.

The board may make the records relating to the administration of this chapter available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board may deem necessary for its purposes.

The board may afford reasonable cooperation with every agency of the United States charged with the administration of any employment security law." [s. 10 (e); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 32; R. L. 1945, s. 4273; am. L. 1953, c. 41, s. 1 (3).]

(4) By repealing the last sentence in paragraph (1) of **section 4267**.

(5) By deleting from **section 4247** the following words and numerals:

“(1) Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(A) 1.8 per centum with respect to employment occurring during the calendar year 1937; and

(B) 2.7 per centum with respect to employment occurring during the calendar years 1938, 1939 and 1940, and during the first calendar quarter of the calendar year 1941.” [s. 7 (b) ; L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 20; R. L. 1945, s. 4247; am. L. 1953, c. 41, s. 1 (5).]

(6) By repealing subsection (D) of **section 4248**.

(7) By repealing the first and second sentences in subsection (B) and the third and fourth sentences in subsection (D) of **section 4251**, as amended.

(8) By repealing paragraph (A) of **section 4250**, as amended, and deleting the letter (B) at the beginning of the remaining paragraph.

(9) By repealing subsection (A) of **section 4252**, as amended, and deleting the letter (B) at the beginning of the remaining paragraph.

(10) By substituting for the words “one hundred and twenty days after January 1” in subsection (B) of **section 4252**, as amended, the words “one hundred and twenty days after the beginning”. [s. 7 (c) (4); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 21; R. L. 1945, s. 4252; am. L. 1945, c. 19, s. 1-5; am. L. 1949, c. 316, s. 1 (4); am. L. 1953, c. 41, s. 1 (9) and (10).]

(11) By inserting after the word “appeal” in the first sentence of paragraph (4) of **section 4277** the words “or is otherwise unavailable”. [s. 10 (i); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 32; R. L. 1945, s. 4277; am. L. 1953, c. 41, s. 1 (11).]

**SECTION 2.** This Act shall take effect on July 1, 1953. (Approved April 29, 1953.) **S. B. 126, Act 41.**

§ **4215. Benefit schedule.** Am. L. 1945, Act 19 [A-69].

§ **4216. Weekly benefit for unemployment.** Am. L. 1951, Act 195 [A-79], rewritten p. 217.

§§ **4218-24. Benefits after termination of military service.** Am. L. 1951, Act 197 [A-81].

§ **4225. Payments by United States, effect of.** Am. L. 1951, Act 197 [A-81]; Rep. L. 1953, Act 22 [A-75], *infra*.

§ **4231. Other employment benefits.** Am. L. 1953, Act 22 [A-75], *infra*.

## Series A-75: ACT 22

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 74 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By deleting the last paragraph of subsection (c) of **section 4230**, being the second proviso in said subsection, and by adding a new subsection (g) at the end of section 4231, as amended, to read:

“(g) **Pregnancy.** Within four months prior to the anticipated date of such individual’s giving birth to a child and two months after childbirth.”

(2) By amending subsection (d) of section 4230 to read:

“(d) **Waiting period.** He has been unemployed for a waiting period of one week within his benefit year, **provided** that no individual shall be required to serve a waiting week if the first week of his unemployment occurring within a benefit year is immediately preceded by a week of unemployment in the preceding benefit year for which benefits are payable. No week shall be counted as a waiting period:

(1) If benefits have been paid with respect thereto.

(2) Unless the individual was eligible for benefits with respect thereto as provided in this section and section 4231, except for the requirements of this subsection.” [s. 4; L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 16; am. L. 1943, c. 160, s. 1, subs. 5; R. L. 1945, s. 4230; am. L. 1953, c. 22, s. 1 (2).]

(3) By amending section 4292 to read:

“**Sec. 4292. From whom.** (1) Any person who, by reason of the nondisclosure or misrepresentation, by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this chapter to which he was not entitled shall be liable for such amount. Notice of redetermination in such cases shall specify that the person is liable to repay to the fund the amount of benefits paid to him by reason of such nondisclosure or misrepresentation, the nature of such nondisclosure or misrepresentation, and the week or weeks for which such benefits were paid.

(2) The person liable shall, in the discretion of the board, either repay such amount to the board for the fund or have such amount deducted from any future benefits payable to him under this chapter within two years after the date of mailing of the notice of redetermination or the final decision on an appeal from such redetermination.

(3) In any case in which under this section an individual is liable to repay any amount to the board, such amount shall be collectible without interest by civil action in the name of the Territory by the attorney general." [s. 15; L. 1939, c. 219; R. L. 1945, s. 4292; am. L. 1953, c. 22, s. 1 (3).]

(4) By substituting for paragraph (B) of **section 4235** three new paragraphs to be lettered (B), (C), and (D) and to read:

"(B) At any time within one year from the date of a determination with respect to base-period wages paid to a claimant, the board on its own motion may reconsider such determination if it finds that an error in computation or identity has occurred in connection therewith, or that wages of the claimant pertinent to such determination but not considered in connection therewith have been newly discovered, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of a nondisclosure or misrepresentation of a material fact. If the amount of benefits is increased upon such redetermination, an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in section 4239 of this subtitle. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any determination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination.

(C) At any time within one year from the end of any week with respect to which a determination allowing or denying waiting-week credit or benefits has been made, the board on its own motion may reconsider such determination if it finds that such waiting-week credit or benefits were allowed or denied as a result of a nondisclosure or misrepresentation of a material fact.

(D) In any case in which the board is authorized by the provisions of this section to reconsider any de-

termination but the final decision in the case has been rendered by a referee or court, the board may petition such referee or court to issue a revised decision." [s. 6 (c) (2); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 18; am. L. 1943, c. 160, s. 1; subs. 6; R. L. 1945, s. 4235; am. L. 1953, c. 22, s. 1 (4).]

(5) By inserting after the word "determination" in the first sentence of **section 4237** the words "or redetermination". [s. 6 (c) (4); L. 1939, c. 219; L. 1941, c. 304, s. 1, pt. of subs. 18; R. L. 1945, s. 4237; am. L. 1953, c. 22, s. 1 (5).]

(6) By repealing **section 4225** and by amending subsection (f) of **section 4231** to read:

"(f) **Other unemployment benefits.** For any week or part of a week with respect to which he has received or is seeking unemployment benefits under any other employment security law, but this subsection shall not apply (1) if the appropriate agency finally determines that he is not entitled to benefits under such other law, or (2) if benefits are payable to him under an Act of Congress which has as its purpose the supplementation of unemployment benefits under a state law." [s. 5; L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 17; R. L. 1945, s. 4231; am. L. 1953, c. 22, s. 1 (6).]

**SECTION 2.** This Act shall take effect on July 1, 1953.

(Approved April 22, 1953.) **S. B. 124, Act 22.**

§ **4231 (e). Old age benefits.** Rep. Sp. L. 1949, Act 13 [A-16], as it appears in R. L. 1945. NEW, L. 1951, Act 195 [A-79].

§ **4235. Reconsideration of determinations.** Am. L. 1953, Act 22 [A-75], supra.

§ **4237. Notice of determinations.** Am. L. 1953, Act 22 [A-75], supra.

§ **4246. Contributions.** Am. L. 1947, Act 3 [A-64], rewritten p. 141; Am. L. 1951, Act 191 [A-80]; Am. L. 1953, Act 23 [A-76], infra.

§ **4247. Rate and base of contributions.** Am. L. 1953, Act 41 [A-74], supra.

§ **4248. Definitions.** Am. L. 1949, Act 316 [A-111]; subsec. (D) repealed, L. 1953, Act 41 [A-74], supra.

§ **4249. Credits for contributions.** Am. L. 1949, Act 316 [A-111], rewritten pp. 248-49.

§ **4250. Charges for separations and benefits.** Am. L. 1949, Act 316 [A-111]; Am. L. 1951, Act 195 [A-79]; partially repealed, L. 1953, Act 41 [A-74], supra.

§ **4251. Contribution rates, how determined.** Am. L. 1951, Act 195 [A-79]; partially repealed, L. 1953, Act 41 [A-74], supra.

§ **4252. Relation of credits to charges.** Am. L. 1945, Act 19 [A-69]; Am. L. 1949, Act 316 [A-111]; Am. L. 1951, Act 195 [A-79]; Amended and partially repealed, L. 1953, Act 41 [A-74], supra.

§ **4253. Rates.** Am. L. 1945, Act 19 [A-69].

§ **4255.** Rep. L. 1951, Act 195 [A-79].

§ **4256.** Rep. L. 1951, Act 195 [A-79].

## Series A-76: ACT 23

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 74 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By adding at the end of paragraph (2) of **section 4257** the following new sentences:

"If any employer from whom contributions are not payable fails to report such wages within ten days after receipt of notice by registered mail so to do, he shall pay a penalty in the amount of ten dollars. Such penalty shall be assessed, collected, and paid into the fund in the same manner as contributions." [s. 7 (d); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 22; R. L. 1945, s. 4257; am. L. 1953, c. 23, s. 1 (1).]

(2) By substituting a comma for the period at the end of the first sentence in **section 4211** and adding the following:

"but not including tips or gratuities paid directly to an individual by a customer of his employer and not accounted for by the individual to his employer." [s. 2 (P) (1); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 12; R. L. 1945, s. 4211; am. L. 1953, c. 23, s. 1 (2).]

(3) By adding at the end of paragraph (2) of **section 4246**, as amended, the following new sentence:

"For the purposes of this paragraph, the term 'employment' shall include service constituting employment under any employment security law of another state or of the federal government." [s. 7 (a); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 19; R. L. 1945, s. 4246; am. L. 1947, c. 3, s. 1; am. L. 1951, c. 191, s. 1 (4); am. L. 1953, c. 23, s. 1 (3).]

(4) By adding at the end of **section 4259**, as amended, the following new paragraph:

"Whenever an employer makes a partial payment of a sum owed for delinquent contributions, penalties, and interest, the amount received by the commissioner shall first be credited to interest, then to penalties, and then to principal." [s. 7 (f); L. 1939, c. 219; am. L. 1941,

s. 1, subs. 24; R. L. 1945, s. 4259; am. L. 1951, c. 123, s. 1; am. L. 1953, c. 23, s. 1 (4).]

(5) By adding at the end of **section 4257** a new paragraph to be numbered (5) and to read:

“(5) Notices of assessment of contributions, records of contributions assessed and payments thereon, and delinquent contributions lists showing unpaid contributions assessed against any employer shall be prima facie proof of the assessment of the person assessed, the amount of contributions due and unpaid and the delinquency in payment, and that all requirements of law in relation to the assessment of such contributions have been complied with.” [s. 7 (d); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 22; R. L. 1945, s. 4257; am. L. 1953, c. 23, s. 1 (5).]

(6) By inserting after the first paragraph in **section 4258**, as amended, a new paragraph to read as follows:

“For the more effective collection of delinquent contributions, the commissioner may file in the office of the registrar of conveyances of the Territory at Honolulu a certificate setting forth (a) the name and address of the employer, (b) the amount of the unpaid contributions, penalties and interest, computed to the date of the certificate, and (c) such further information as may be required by chapter 307 to procure a lien on registered land. Such certificate shall be recorded in a book provided for the purpose and thereafter the said unpaid contributions, penalties and interest, together with any penalties or interest further accruing, shall constitute a lien upon all the land of the employer, both registered and unregistered, within the Territory. Such lien shall be a paramount lien as against all parties whose interest arose after the recordation of the certificate, and may be foreclosed in a court of equity, except such land as may be exempt from levy and sale on execution under the provisions of section 10187. Upon the payment of the said contributions, penalties and interest, or of a portion thereof, the commissioner shall certify in duplicate the fact and amount of payment and the balance due, if any, and shall forward these certificates, one to the employer and one to the said registrar. The registrar shall record such partial or total release, as the case may be, and thereafter the land of the employer within the Territory shall only be subject to a lien for any balance remaining unpaid.” [s. 7 (e); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs.

23; R. L. 1945, s. 4258; am. L. 1949, c. 77, s. 1; am. L. 1953, c. 23, s. 1 (6).]

SECTION 2. This Act shall take effect on July 1, 1953. (Approved April 22, 1953.) **S. B. 125, Act 23.**

§ 4258. **Collection of contributions.** Am. L. 1949, Act 77 [A-112].

§ 4259. **Penalty for Delinquency.** Am. L. 1951, Act 123 [A-83].

§ 4267. **Refunds and adjustments.** Last sentence, par. (1), rep. L. 1953, Act 41 [A-74], supra.

§ 4269. **Duties and powers of board.** Am. L. 1951, Act 195 [A-79]; Am. L. 1953, Act 105, [A-41], supra; Act 41 [A-74], supra.

§ 4270. **Rules and regulations.** Am. L. 1951, Act 195 [A-79].

§ 4273. **Federal-territorial cooperation.** Am. L. 1953, Act 41 [A-74], supra.

§ 4277. **Referee.** Am. L. 1953, Act 41 [A-74], supra.

§ 4283. **Special fund.** Am. L. 1953, Act 41 [A-74], supra.

§ 4284. **Reimbursement of fund.** Am. L. 1953, Act 41 [A-74], supra.

§ 4288. **Falsely obtaining benefits.** Am. L. 1951, Act 195 [A-79], rewritten p. 226.

§ 4292. **From whom,** Am. L. 1953, Act 22 [A-75], supra.

§ 4293. **Civil and criminal actions.** Am. L. 1953, Act 105 [A-41], supra.

## Chapter 75. WAGE AND HOUR LAW.

§ 4352. **Definitions.** Am. L. 1945, Act 15 [A-71]; Am. L. 1949, Act 292 [A-113]; Am. L. 1951, Act 180 [A-84].

### Series A-77: ACT 161

An Act to Amend Section 4352 of the Revised Laws of Hawaii 1945, As Amended, Defining Terms Used in the Hawaii Wage and Hour Law.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 4352** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending exception (4) in the definition of "Employee" to read:

"(4) by his brother, sister, brother-in-law, sister-in-law, son, daughter, spouse, parent, or parent-in-law;" [L. Sp. 1941, c. 66, s. 2; am. L. 1943, c. 159, s. 1; R. L. 1945, s. 4352; am. L. 1945, c. 15, s. 1 (1); am. L. 1949, c. 292, s. 1; am. 1951, c. 180, s. 1; am. L. 1953, c. 161, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953. (Approved June 1, 1953.) **S. B. 204, Act 161.**

§ 4353. **Minimum wage.** Am. L. 1945, Act 15 [A-71].



## Series A-78: ACT 77

An Act to Amend Section 4353 of the Revised Laws of Hawaii 1945, as Amended, Relating to Minimum Wages.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4353 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read:

**"Sec. 4353. Minimum wages.** Every employer, except as the director may provide pursuant to section 4359, shall pay to each employee employed by him wages at the rate of not less than sixty-five cents an hour; **provided,** however, that employers in the counties, excepting the city and county of Honolulu, shall pay to each employee employed by him wages at the rate of not less than fifty-five cents an hour." [L. Sp. 1941, c. 66, s. 3; am. L. 1943, c. 159, s. 2; R. L. 1945, s. 4353; am. L. 1945, c. 15, s. 1 (2); am. L. 1953, c. 77, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953.

(Approved May 11, 1953.) **H. B. 5, Act 77.**

§ 4363. **Penalties.** Am. L. 1945, Act 15 [A-71].

## Chapter 76. WAGES, PAYMENT OF.

§ 4383. **Fines, deductions for.** Am. L. 1951, Act 296 [A-85].

§ 4384. **Wages, deductions from.** Am. L. 1951, Act 296 [A-85].

§ 4385. **Penalty.** Am. L. 1951, Act 296 [A-85].

## Series A-79: ACT 163

An Act Providing Priority for Claims for Wages.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 4386.**] SECTION 1. **Claims for wages preferred.** When the business of any person, corporation, company or firm shall be suspended as a result of a writ of execution or attachment or be placed in the hands of a receiver, trustee, or assignee for creditors, then in all such cases claims for wages of not more than three hundred dollars to each claimant, earned within six months of the date such business is suspended or placed in the hands of a receiver, trustee, or assignee for creditors, shall be paid in full prior to the payment of any other debts except a debt secured by a mortgage duly recorded before the wages were earned. [L. 1953, c. 163, s. 1.]

[Sec. 4387]. SECTION 2. **Filing of claims; contests.** Any employee desiring to enforce his claim for wages under this Act shall present a statement under oath showing the amount due, the kind of work for which such wages are due, and when such work was performed to the officer or person charged with such property within twenty days after the seizure thereof on any execution or writ of attachment or within sixty days after such property has been placed in the hands of a receiver, trustee, or assignee for creditors. Any interested party may contest any such claim or part thereof by filing sworn exceptions thereto with such officer or person within ten days after the period for filing claims, and thereupon the claimant shall be required to reduce his claim to judgment before any part thereof shall be paid. [L. 1953, c. 163, s. 2.]

[Sec. 4388]. SECTION 3. **When claims paid; prorating.** No claim shall be paid until after the expiration of the time for filing and contesting claims. If the funds realized from the sale of the property are insufficient to pay the total claims for wages presented, then such funds shall be prorated on such claims. [L. 1953, c. 163, s. 3.]

SECTION 4. This Act shall take effect on July 1, 1953. (Approved June 1, 1953.) **S. B. 205, Act 163.**

## Chapter 76A. INDUSTRIAL SAFETY.

§§ 4390.01-.09. **Industrial safety.** NEW, L. 1947, Act 64 [A-65].  
 § 4393.10. **Fees.** NEW, L. 1949, Act 133 [A-114].

### **EXPLOSIVES.**

§§ 4393.11-.18. Renumbered L. 1951, Act 101 [A-105]. Formerly §§ 4946-4953 from ch. 88.

## **Series A-80: ACT 39**

An Act to Amend the Subtitle of Chapter 76A, as Enacted by Act 101, Session Laws of Hawaii 1951, Relating to Regulation of the Manufacturing, Sale, Possession, and Use of Explosives.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The subtitle "Explosives" in Chapter 76A, as enacted by Act 101, Session Laws of Hawaii 1951, is hereby amended in the following respects:

(1) By amending section 4393.11 to read:

**"Section 4393.11. Definitions; permits and certificates required; grounds for refusal.** As used in this subtitle 'person' means any natural person, partnership, as-

sociation, or corporation; 'manufacturer' means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive; and 'dealer' means any person, not a manufacturer, engaged in the business of buying and selling explosives.

No person shall manufacture or deal in explosives unless he has obtained a permit therefor and no person shall use explosives unless he shall have first obtained a certificate of fitness. A certificate of fitness shall only be issued to an individual and shall set forth his competency and provide for his positive identification. Certificates of fitness may be limited as to types or kinds of explosives or to the use of explosives for specific purposes.

All applications for permits and certificates of fitness shall be made in writing, under oath, and shall state (1) the name and address of the applicant, (2) his age, if an individual, (3) his reason for desiring to manufacture, deal in, or use explosives, (4) his citizenship, if an individual, (5) if a partnership, the names and addresses of the partners and their citizenship, (6) if an association or corporation, the names and addresses of the officers and directors thereof and their citizenship, and (7) any other information which may be required by rules and regulations of the commission. The director shall issue the permit or certificate applied for unless he finds upon investigation or examination that the applicant or, in case of a permit, any of applicant's officers, agents, or employees who will be charged with the duty of manufacturing or dealing in explosives is not sufficiently experienced therein, or that the applicant for a permit to manufacture or deal in explosives lacks a suitable location or facilities therefor, or that the applicant or any such officer, agent or employee has been convicted of a crime involving moral turpitude or is disloyal to the United States." [L. 1911, c. 152, s. 7; R. L. 1925, s. 869; R. L. 1935, s. 1776; am. L. 1941, c. 326, pt. of s. 1; R. L. 1945, s. 4946, renumbered 4393.11; am. L. 1951, c. 101, s. 2 (1); am. L. 1953, c. 39, s. 1 (1).]

(2) By amending section 4393.13 to read:

**"Sec. 4393.13. Storage of explosives.** No person shall have, store, keep or possess any explosives, or suffer same to remain in any building or upon any premises, unless the same shall be in a magazine complying with rules and regulations of the commission governing the classes, type of construction, and capacity of magazines, the quantities and types or kinds of explosives which may

be kept in the several classes of magazines, the location of permanent magazines and the safety precautions to be taken therein, and the places where movable magazines shall be kept and the duration of such keeping." [L. 1911, c. 152, s. 9; am. L. 1919, c. 109, s. 2; R. L. 1925, s. 871; R. L. 1935, s. 1778; am. L. 1941, c. 326, pt. of s. 1; R. L. 1945, s. 4948, renumbered 4393.13; am. L. 1951, c. 101, s. 2 (2); am. L. 1953, c. 39, s. 1 (2).]

(3) By amending section 4393.14 to read:

**"Sec. 4393.14. Transportation of explosives.** No person shall transport or cause any explosive to be transported except in compliance with rules and regulations of the commission and without first having secured a permit from the director." [L. 1911, c. 152, s. 10; R. L. 1925, s. 872; R. L. 1935, s. 1779; am. L. 1941, c. 326, pt. of s. 1; R. L. 1945, s. 4950, renumbered s. 4393.14; am. L. 1951, c. 101, s. 2 (2); am. L. 1953, c. 39, s. 1 (3).]

(4) By inserting after the word "subtitle" in **section 4393.21** the words "or any rule or regulation issued under the authority of this subtitle". [L. 1951, c. 101, pt. of s. 3; am. L. 1953, c. 39, s. 1 (4).]

(5) By adding a new section to be numbered 4393.22 and to read:

**"Sec. 4393.22. Rules and regulations.** The commission may prescribe such rules and regulations as may be necessary for carrying out the purposes and provisions of this subtitle. When approved by the governor and promulgated and filed in accordance with sections 466 to 476, inclusive, such rules and regulations shall have the force and effect of law." [L. 1953, c. 39, s. 1 (5).]

SECTION 2. This Act shall take effect on November 1, 1953.

(Approved April 28, 1953.) **H. B. 709, Act 39.**

**§§ 4393.19-21. Exceptions; appeals; violations, penalty.** **NEW, L. 1951, Act 101 [A-105].**

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## Chapter 77. WORKMEN'S COMPENSATION.

**§ 4401. Definitions.** Am. **L. 1945, Act 10 [A-73]; Am. L. 1949, Act 110 [A-115] and Act 129 [A-116].**

**§ 4403. Employments covered.** Am. **L. 1945, Act 10 [A-73]; Am. L. 1949, Act 110 [A-115], rewritten pp. 252-253.**

**§ 4409. Liability of third persons.** Am. **L. 1951, Act 194 [A-86].**

**Series A-81: ACT 266**

An Act to Amend Section 4409 of the Revised Laws of Hawaii 1945, as Amended, Relating to Rights Against Third Persons under the Workmen's Compensation Law.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 4409** of the Revised Laws of Hawaii 1945, as amended, is hereby amended by adding the following paragraph to said section 4409:

"Nothing herein contained shall permit an action by the employee against another employee of the same employer where the injury is caused by said other employee while in the course of the employment, except where the injury is caused by the wilful or wanton misconduct of such other employee." [L. 1915, c. 221, s. 5; am. L. 1923, c. 249, s. 1; R. L. 1925, s. 3608, R. L. 1935, s. 7484; R. L. 1945, s. 4409; am. L. 1951, c. 194, s. 1; am. L. 1953, c. 266, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953.

(Approved June 12, 1953.) **S. B. 631, Act 266.**

§ **4411. Death benefits.** Am. L. 1947, Act 81 [A-66]; Am. L. 1949, Act 129 [A-116] and Act 111 [A-117].

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**Series A-82: ACT 46**

An Act to Amend Chapter 77 of the Revised Laws of Hawaii 1945, as Amended, Relating to Workmen's Compensation.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 77 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By deleting from the first paragraph of **section 4411**, as amended, the words "to the persons entitled to compensation or, if there be none, then to the personal representative of the deceased employee," and by substituting for the words "three hundred dollars" in said paragraph the words "four hundred dollars". [L. 1915, c. 221, s. 7; R. L. 1925, s. 3610; R. L. 1935, s. 7486; am. L. 1937, c. 66, s. 1; am. L. 1939, c. 206, s. 8 and c. 237, pt. of s. 3; am. L. 1941, c. 253, s. 1; am. L. 1943, c. 157, pt. of s. 1; R. L. 1945, s. 4411; am. L. 1947, c. 81, s. 1 (1); am. L. 1949, c. 111, s. 1 (1); and c. 129, s. 1 (1); am. L. 1953, c. 46, s. 1 (1).]

(2) By substituting for the word "forty" in paragraph 1 of section 4411 the word "fifty".

(3) By amending the last paragraph in **section 4412**, as amended, to read:

"No alien dependent shall be entitled to receive more than fifty per cent of the aggregate amount of the compensation to which he would otherwise be entitled under this chapter unless actually residing within the United States, and any alien dependent leaving the United States shall thereupon forfeit fifty per cent of the remaining compensation to which he would otherwise be entitled. Alien dependents in any foreign country shall be limited to surviving wife and child or children, or, if there is no surviving wife or child, to surviving father or mother whom the deceased wholly supported for the period of one year prior to the date of the injury from which death resulted." [L. 1915, c. 221, s. 8; R. L. 1925, s. 3611; R. L. 1935, s. 7487; am. L. 1943, c. 157, pt. of s. 1; R. L. 1945, s. 4412; am. L. 1949, c. 293, ss. 1, 2; am. L. 1953, c. 46, s. 1 (3).]

(4) By amending sections 4426, 4427, 4428, and 4429 to read:

**"Sec. 4426. Notice of injury.** No proceedings under this chapter for compensation for an injury shall be maintained unless written notice of the injury shall have been given to the employer as soon as practicable after the happening thereof. Such notice may be given by the person injured or by some one on his behalf. Failure to give such notice shall not bar any claim under this chapter (1) if the employer (or his agent in charge of the business in the place where the injury occurred) or his insurance carrier had knowledge of the injury or death, or (2) if medical, surgical or hospital services and supplies have been furnished to the injured employee by the employer, or (3) if it is found for some satisfactory reason such notice could not be given and that the employer has not been prejudiced by such failure. [L. 1915, c. 221, s. 21; am. L. 1923, c. 249, s. 5; R. L. 1925, s. 3624; am. L. 1931, c. 93, s. 1; am. L. 1933, c. 180, s. 1; R. L. 1935, s. 7501; am. L. 1937, c. 124, s. 1; R. L. 1945, s. 4426; am. L. 1949, c. 129, s. 1 (3); am. L. 1953, c. 46, pt. of s. 1 (4).]

**Sec. 4427. Claim for compensation.** The right to compensation under this chapter shall be barred unless a written claim therefor is made to the director within six months after the date of the injury, or, in case of

death, within six months after the death, whether or not a claim had been made by the employee himself for compensation; **provided**, however, that no claim for compensation with respect to the injury shall be made more than five years after the date of the accident or occurrence which caused the injury. The claim may be made by the person claiming compensation or by someone on his behalf, and shall state in ordinary language the time, place, nature, and cause of the injury. [L. 1915, c. 221, s. 22; R. L. 1925, s. 3625; R. L. 1935, s. 7502; R. L. 1945, s. 4427; am. L. 1953, c. 46, pt. of s. 1 (4).]

**Sec. 4428. When claim unnecessary.** If payments of compensation shall have been made voluntarily by the employer or his insurance carrier, the making of a claim within the time prescribed in section 4427 shall not be required. The term 'payments of compensation', as used in this section, shall not be construed to include voluntary payments in the nature of a gift and not intended as compensation, nor payments by welfare or benefit organizations operating under direction or control of the employer, nor payment for medical, surgical or hospital services and supplies, nor payments of wages during periods of partial or total disability for work if the employer notifies the employee and the director at the time in writing that such payments of wages are not in lieu of and shall not be considered payments of compensation. [L. 1915, c. 221, s. 23; R. L. 1925, s. 3626; R. L. 1935, s. 7503; R. L. 1945, s. 4428; am. L. 1953, c. 46, pt. of s. 1 (4).]

**Sec. 4429. Waiver of notice, claim.** Unless the employer has been prejudiced thereby, the notice of injury shall be deemed to have been waived by the employer and his insurance carrier unless objection to the failure to give such notice is raised at the first hearing on a claim in respect of such injury of which they are given reasonable notice and opportunity to be heard, and, unless the employer has been prejudiced thereby, failure to make a claim within the time prescribed in section 4427 shall not be a bar to compensation unless objection to such failure is made at such first hearing." [L. 1915, c. 221, s. 24; R. L. 1925, s. 3627; R. L. 1935, s. 7504; R. L. 1945, s. 4429; am. L. 1953, c. 46, pt. of s. 1 (4).]

(5) By substituting a comma for the period at the end of the last sentence in **section 4443** and adding the words "and shall give such appeals precedence over all other civil

cases." [L. 1939, c. 237, s. 3, par. 11; am. L. 1943, c. 141; R. L. 1945, s. 4443; am. L. 1953, c. 46, s. 1 (5).]

(6) By substituting for the words "workmen's compensation bureau" in the first paragraph of **section 4449.01**, as enacted by Act 203, Session Laws of Hawaii 1949, the word "director" [L. 1949, c. 203, s. 1 (1); am. L. 1953, c. 46, s. 1 (6).]

SECTION 2. This Act shall take effect on July 1, 1953.

(Approved May 1, 1953.) **H. B. 3, Act 46.**

§ **4412. Dependents.** Am. L. 1949, Act 293 [A-118], rewritten pp. 255-256.

§ **4414. Death benefits; average weekly wages; payments to whom, etc.** Am. L. 1949, Act 111 [A-117] and Act 204 [A-119], rewritten pp. 256-257; Am. L. 1951, Act 49 [A-87].

§ **4416. Permanent total disability.** Am. L. 1951, Act 49 [A-87], rewritten pp. 231-232.

§ **4417. Phalanx of thumb or finger.** Am. L. 1951, Act 50 [A-88], rewritten pp. 233-236.

### Series A-83: ACT 98

An Act to Amend Chapter 77 of the Revised Laws of Hawaii 1945, as Amended, Relating to Workmen's Compensation.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 77 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending section 4417.02, as amended, to read:

**"Sec. 4417.02. Subsequent injuries which increase disability.** If an employee receives an injury which of itself would cause only permanent partial disability but which, combined with a previous disability, does in fact cause permanent total disability, the employer shall be liable only for compensation for the disability caused by the subsequent injury. In addition to such compensation for permanent partial disability and after the cessation of the payments for the prescribed period of weeks, the employee shall be paid weekly out of the special compensation and accident prevention fund the remainder of the compensation that would be due for permanent total disability, payments to be made by orders of the director drawn on the treasurer of the Territory." [L. 1947, c. 81, pt. of s. 1; am. L. 1953, c. 98, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953, and shall apply only to injuries occurring after that date.



(Approved May 18, 1953.) H. B. 1010, Act 98.

§§ 4417.01-.03. Accident prevention fund, etc. NEW, L. 1947, Act 81 [A-66].

§ 4417.04. Payments after death. NEW, L. 1949, Act 113 [A-125].

§ 4426. Notice of injury and claim for compensation; time limit; when unnecessary. Am. L. 1949, Act 129 [A-116]; Am. L. 1953, Act 46 [A-82], *supra*.

§ 4427. Claim for compensation. Am. L. 1953, Act 46 [A-82], *supra*.

§ 4428. When claim unnecessary. Am. L. 1953, Act 46 [A-82], *supra*.

§ 4429. Waiver of notice, claim, Am. L. 1953, Act 46 [A-82], *supra*.

§ 4431. Appeal boards in Hawaii, Maui and Kauai; jurisdiction; salaries and expenses. Am. L. 1949, Act 115 [A-126].

§ 4433. Rep. L. 1949, Act 115 [A-126].

§ 4435. Award. Am. L. 1945, Act 10 [A-73].

§ 4436-37. Rep. L. 1945, Act 10 [A-73].

§ 4438. Examination by physician. Am. L. 1945, Act 10 [A-73].

§ 4439-40. Rep. L. 1945, Act 10 [A-73].

§ 4441. Reopening case; modification of awards and agreements. Am. L. 1945, Act 10 [A-73]; Am. L. 1949, Act 354 [A-127].

### Series A-84: ACT 51

An Act to Amend Chapter 77 of the Revised Laws of Hawaii 1945, as Amended, Relating to Workmen's Compensation.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 77 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By amending section 4441, as amended, to read:

"Sec. 4441. Reopening case; continuing jurisdiction of the director. In the absence of appeal and within twenty days after a copy of an award or decision has been sent to the parties, the director may upon his own motion or upon the application of any party reopen a case to permit the introduction of newly discovered evidence, and may make a revised award or decision.

The director may at any time, either of his own motion or upon the application of any party, reopen any case on the ground that fraud has been practiced on the director or on any party and make such award or decision as he shall deem proper.

On the application of any party in interest supported by a showing of substantial evidence, on the ground of a change in conditions or because of a mistake in a determination of fact related to the physical condition of

the injured employee, the director may, at any time prior to three years after date of the last payment of compensation, whether or not a compensation decision has been issued, or at any time prior to three years after the rejection of a claim, review a compensation case and issue a new decision which may terminate, continue, reinstate, increase or decrease such compensation, or award compensation. No compensation case may be reviewed oftener than once in six months, and no case in which a claim has been rejected shall be reviewed more than once if on such review the claim is again rejected. Such new decision shall not affect any compensation previously paid, except that an award increasing the compensation may be made effective from the date of the injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased compensation shall be deducted from any unpaid compensation in such manner and by such method as may be determined by the director. In the event any such new decision increases the compensation in any case where the employee has received damages from a third party pursuant to section 4409 in excess of compensation previously awarded, the amount of such excess shall constitute a pro tanto satisfaction of the amount of the additional compensation awarded. This paragraph shall not apply when the employer's liability for compensation has been discharged in whole or in part by the payment of a lump sum in accordance with the provisions of section 4423." [L. 1915, c. 221, s. 37; am. L. 1923, c. 249, s. 6; R. L. 1925, s. 3640; R. L. 1935, s. 7517; am. L. 1939, c. 206, s. 3 and c. 237, pt. of s. 3; R. L. 1945, s. 4441; am. L. 1945, c. 10, s. 1 (10); am. L. 1949, c. 354, s. 1 (1); am. L. 1953, c. 51, s. 1 (1).]

(2) By adding the following sentence at the end of section 4423:

"The liability of the employer for medical, surgical and hospital services and supplies shall not be affected by the discharge in part of liability for compensation by payment of one or more lump sums." [L. 1915, c. 221, s. 18; R. L. 1925, s. 3621; R. L. 1935, s. 7498; am. L. 1939, c. 237, pt. of s. 3; R. L. 1945, s. 4423; am. L. 1953, c. 51, s. 1 (2).]

**SECTION 2.** This Act shall take effect on July 1, 1953, and shall be applicable only to compensation cases arising as

a result of an injury or disease occurring after said date.

(Approved May 1, 1953.) H. B. 950, Act 51.

§ 4443. Appeals from appellate board; jury waived when. Am. L. 1953, Act 46 [A-82], supra.

§ 4446. Majority control. Am. L. 1945, Act 10 [A-73].

§ 4447. Enforcement, etc. Am. L. 1945, Act 10 [A-73].

§ 4447.01. Default in payments of compensation, penalty. NEW, L. 1949, Act 206 [A-128].

§ 4448. Costs. Am. L. 1945, Act 10 [A-73].

§ 4449. Reports of injuries; other reports; penalty. Am. L. 1945, Act 10 [A-73]; Am. L. 1949, Act 115 [A-126].

§ 4449.01. Reports of physicians, surgeons and hospitals. NEW, L. 1949, Act 203 [A-129]; Am. L. 1953, Act 46 [A-82], supra.

§ 4463. Application of this chapter to volunteer personnel. Am. L. 1949, Act 116 [A-130], rewritten p. 270.

§ 4464. Who entitled to compensation. Am. L. 1951, Act 48 [A-89].

§ 4466. Appropriation. Am. L. 1949, Act 116 [A-130].

§ 4467. Rep. L. 1947, Act 169 [A-67].

§§ 4467.01-.02. Volunteer personnel, medical, etc., expense. NEW, L. 1945, Act 257 [A-75]; Am. L. 1949, Act 132 [A-131].

### Series A-85: ACT 174

An Act to Amend Act 257, Session Laws of Hawaii 1945, As Amended, and Section 5876, Revised Laws of Hawaii 1945, As Enacted By Act 264 (Ser. A-129), Session Laws of Hawaii 1951, Relating to Payment of Hospital and Medical Expenses for Voluntary Personnel and Payment of Losses Through Wrongful Acts of Public Officers and Employees, Respectively, Out of the Territorial Insurance Fund.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Act 257, Session Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

“(Sec. 4467.02.) Section 2 (Appropriation). So much of the territorial insurance fund as may be necessary is hereby appropriated and shall, with the approval of the governor, be expended to pay claims found to be due under this Act for services performed under the authorized direction of a public officer or employee.” [L. 1945, c. 257, s. 2; am. L. 1953, c. 174, s. 1.]

SECTION 2. Section 5876, Revised Laws of Hawaii 1945, as enacted by Act 264 (Ser. A-129), Session Laws of Hawaii 1951, is hereby amended by amending the first sentence thereof to read as follows:

"Losses to the Territory caused by the dishonesty or the nonfeasance or misfeasance of any officer or employee of the Territory, or any losses to the Territory through larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wilful misapplication or any other fraudulent or dishonest act or acts committed by one or more of the employees of the Territory acting directly or in collusion with others, including loss of money, securities and other property, real and personal, belonging to the Territory, or in which the Territory has a pecuniary interest, or for which the Territory is legally liable, or held by the Territory through its employees in any capacity, whether the Territory is legally liable therefor or not, if not covered by any bond, shall be covered by the territorial insurance fund." [L. 1951, c. 264, pt. of s. 1; am. L. 1953, c. 174, s. 2.]

SECTION 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 2, 1953.) S. B. 24, Act 174.

§ 4467.03. **Administration and Procedure.** NEW, L. 1945, Act 257 [A-75].

§ 4467.04. **Time for giving notice.** NEW, L. 1945, Act 257 [A-75].

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## Title 10: PUBLIC LANDS.

### Chapter 78. MANAGEMENT, ETC.

§ 4502.01. **Permanent register of applicants for homes in each district.** NEW, L. 1949, Act 254 [A-132].

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## Series A-86: ACT 109

An Act Relating to the Sale of Lands Used for School Purposes, Including Buildings Thereon, and Appropriating the Proceeds from such Sales for School Purposes.

*Re it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 4511.01]. SECTION 1. [Sale of public lands no longer necessary for school purposes.] The commissioner of public lands is hereby requested, upon the recommendation and approval of the superintendent of public instruction, to sell in accordance with the provisions of section 73 of the Hawaiian Organic Act any territorial lands, including the buildings thereon, once used but no longer necessary for school purposes. [L. 1953, c. 109, s. 1.]

[Sec. 4511.02]. SECTION 2. [Same.] The counties of Hawaii, Maui, and Kauai and the city and county of Honolulu are hereby authorized and directed to sell, upon the recommendation and approval of the superintendent of public instruction, any real property of the county or city and county, including the buildings thereon, once used but no longer necessary for school purposes. Such sale shall be at public auction, after notice by publication once a week for at least two weeks in any newspaper of general circulation in the county or the city and county in which the property is situated. [L. 1953, c. 109, s. 2.]

[Sec. 4511.03]. SECTION 3. [Proceeds to be used for new buildings.] All net proceeds from sales prescribed herein are hereby appropriated for the acquisition of land or for the erection of buildings for school purposes to the extent of an approved building plan in the school district wherein such sales occur, and in the absence of any school building program in such district or in the event of any surplus remaining after the completion of buildings constructed pursuant to such approved plan, then the proceeds or surplus shall be used in other school districts in the county or city and county wherein such sales occur.

Any provisions of any existing law which are inconsistent with the provisions of this Act are hereby repealed. [L. 1953, c. 109, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved May 19, 1953.) H. B. 811, Act 109.

§ 4517. **Land Office fees.** Am. L. 1951, Act 90 [A-128].

§ 4520. **Special funds.** Am. L. 1947, Act 107 [A-68].

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#### Series A-87: ACT 210

An Act Relating to Appraisers, and Amending Section 4521, as Amended, and Paragraph 10 of Subsection E of Section 6195.04, as Amended, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever the laws of the Territory of Hawaii require the appraisal of property prior to sale or purchase unless otherwise required by the Organic Act, the number of appraisers shall be one or more but not more than three disinterested persons, the number to be determined in the discretion of the government agency or officer required to have such appraisal made.

SECTION 2. **Section 4521**, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by substituting in the second and third lines of the second paragraph thereof for the words "three disinterested persons acting as appraisers" the words "a disinterested person or persons acting as appraiser or appraisers but not more than three such persons". [L. 1909, c. 55, s. 1; am. L. 1911, c. 129, s. 1; R. L. 1925, s. 444; R. L. 1935, s. 1578; R. L. 1945, s. 4521; am. L. 1947, c. 107, s. 2; am. L. 1953, c. 210, s. 2.]

SECTION 3. **Section 6195.04**, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by amending paragraph 10 of subsection e thereof by substituting for the words "three competent persons" in the third line thereof the words "one or more, but not more than three competent persons". [L. 1949, c. 379, s. 4; am. L. 1953, c. 210, s. 3.]

SECTION 4. This Act shall take effect ten days after promulgation as required by Section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 8, 1953.) **S. B. 378, Act 210.**

§ **4521. Purchase of private lands.** Am. **L. 1947, Act 107 [A-68].**

§ **4524.01. Rights of way to sea.** NEW, **L. 1945, Act 96 [A-76].**

§§ **4524.02-.03. Revolving fund; land improvement.** NEW, **L. 1947, Act 107 [A-68].**

§§ **4525-26.** Rep. **L. 1947, Act 107 [A-68].**

§ **4527. Roads, etc.** Am. **L. 1947, Act 107 [A-68].**

§ **4565. Special homestead agreements.** Am. **L. 1947, J. R. 7.** Approved by 80th Congress, June, 1948, 2nd Sess. Pub. 582, chap. 385.

§ **4565.01.** See **L. 1947, J. R. 25.**

§§ **4566-88.** Rep. **L. 1949, J. R. 12.** Approved by Congress, Sept. 1, 1950, ch. 833, Public Law 746.

§ **4601.** Am. **L. 1947, J. R. 7.** Approved by Congress, June, 1948, 2nd Sess., ch. 385, Public Law 582.

## Chapter 81. FARM LOANS.

### Series A-88: ACT 173

An Act for the Relief of Farmers Suffering Financial Losses From the Recent Drought; Authorizing Loans Thereto By the Farm Loan Board.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 4675.1]. SECTION 1. [Loans to farmers suffering loss by drought.] The farm loan board of the Territory of Hawaii is hereby authorized to make loans to all farmers within the Territory applying therefor who have suffered financial loss occasioned by the recent drought, without re-

gard to the purposes of loans made by said board as set forth in section 4675 of the Revised Laws of Hawaii 1945. Any loan made pursuant to this Act shall be limited in amount to one thousand dollars and shall be payable within three years from its issuance, together with interest at two per cent per annum on the outstanding principal balance. The determination of the farm loan board of Hawaii as to the value of the security offered by the borrowing farmer shall be final and conclusive. [L. 1953, c. 173, s. 1.]

SECTION 2. Except as modified by the authorization contained in section 1 of this Act, the provisions of chapter 81 of the Revised Laws of Hawaii 1945 shall remain in full force and effect.

SECTION 3. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved June 2, 1953.) S. B. 393, Act 173.

## Chapter 81A. SURVEYOR.

§§ 4691-95. Surveyor; power and duties. NEW, L. 1951, Act 283 [A-91].

## Title 11: PUBLIC UTILITIES.

### Chapter 82. COMMISSION.

§ 4701. Definitions. Am. L. 1949, Act 366 [A-133]; Am. Sp. L. 1949, Act 65 [A-17].

§ 4702. Number, appointment of commissioners. Am. L. 1951, Act 213 [A-92].

§ 4703. Employment of assistants. Am. L. 1949, Act 179 [A-134].

§ 4705. General powers and duties. Am. L. 1949, Act 253 [A-135], rewritten pp. 275-6.

§ 4715. Rate regulation. Am. L. 1947, Act 112 [A-69].

§ 4719. Certificates of public convenience and necessity. Am. L. 1945, Act 189 [A-78]; Am. L. 1949, Act 366 [A-133], rewritten p. 274.

§ 4726. Finances; public utility fees. Am. L. 1949, Act 180 [A-136].

## Title 12: PUBLIC WELFARE.

### Chapter 84. DEPARTMENT GENERALLY.

§ 4802. Responsibilities of director. Am. L. 1949, Act 346 [A-137].

§ 4805. Public welfare board; powers and duties. Am. L. 1949, Act 346 [A-137].

§§ 4811-12. Rep. L. 1949, Act 350 [A-138].

§ 4813. Additional funds. Am. L. 1949, Act 350 [A-138].

Chapter 85. DEPARTMENT OF WELFARE:  
SPECIFIC FUNCTIONS.

§ 4821. **Definitions.** Am. L. 1951, Act 125 [A-93], 3d par. rewritten p. 242.

Series A-89: ACT 153

An Act to Amend Chapter 85 of the Revised Laws of Hawaii 1945, As Amended, Relating to the Department of Public Welfare, Public Assistance, Neglected Children, and Family and Child Welfare.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4821 of chapter 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

“**Sec. 4821. Definitions.** Unless the context clearly requires a different meaning, when used in this chapter:

‘Department’ means the department of public welfare.

‘Director’ means the director of said department.

‘Public assistance’ shall mean money payments to or for the benefit of persons whom the department has determined to be without sufficient means of support to maintain a minimum standard of living compatible with decency and health.

‘Child welfare services’ shall mean and include all services necessary for the protection and care of neglected children and children in danger of becoming delinquent, and shall also mean all services necessary for the adoption of children.

‘Applicant’ shall mean the person for whose use and benefit application for services or public assistance is made.

‘Recipient’ shall mean the person for whose use and benefit services are rendered or a grant of public assistance is made.

‘Neglected child’ shall mean any minor who for any reason is homeless or abandoned or who is receiving inadequate parental care or guardianship, or whose home, by reason of cruelty, neglect or depravity on the part of his parents, guardian or other person in whose care he may be, is an unfit place for such child.” [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4821; am. L. 1951, c. 125, s. 1; am. L. 1953, c. 153, s. 1.]

SECTION 2. **Section 4825** of said chapter as amended by Act 226 of the Session Laws of Hawaii 1951 is hereby further amended by:



- (a) inserting the phrase "child welfare services" following the word "of" in the eighth line;
- (b) deleting the word "dependent" in the ninth line;
- (c) inserting the phrase "child welfare services" after the word "of" in the twenty-eighth line; and
- (d) deleting the word "dependent" in the twenty-eighth line; as such section appears in its amended form following Act 226 in the Session Laws of Hawaii 1951. [L. 1941, c. 296, pt. of s. 1; am. L. 1943, c. 113, s. 1; R. L. 1945, s. 4825; am. L. 1951, c. 226, s. 1; am. L. 1953, c. 153, s. 2.]

SECTION 3. **Section 4827** of said chapter, as amended, is hereby further amended by:

(a) amending subsections (1), (2), (3), (4), and (5) to read as follows:

- "(1) administer all public assistance;
- (2) establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent;
- (3) assist in preventing family breakdown;
- (4) place, or cooperate in placing neglected children in suitable private homes or institutions, and place, or cooperate in placing, children in suitable adoptive homes;
- (5) have authority to establish, maintain, and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care; and accept from the police and other agencies, for temporary care and custody, any neglected child until satisfactory plans are made for the child;"

(b) substituting a comma for the word "and" in the third and seventh lines of subsection (6);

(c) inserting the phrase "and child welfare services" following the word "assistance" in the third and seventh lines of subsection (6);

(d) ending subsection (7) at the semicolon in the third line by substituting a period for said semicolon, and creating a new subsection (8) to include the balance of subsection (7) beginning with the word "develop" in the third line;

(e) renumbering present subsections (8), (9), and (10) to read (9), (10), and (11). [L. 1941, c. 296, pt. of s. 1; am. L. 1943, c. 213, pt. of s. 1; R. L. 1945, s. 4827; am. L. 1945, c. 113, s. 1; and c. 157, s. 1; am. L. 1953, c. 153, s. 3.]

SECTION 4. **Section 4828** of said chapter as amended, is hereby further amended by deleting the word "dependent" in the eighth line thereof. [L. 1943, c. 36, s. 1; R. L. 1945,

s. 4828; am. L. 1945, c. 161, s. 1; am. L. 1947, c. 22, s. 1; am. L. 1953, c. 153, s. 4.]

SECTION 5. **Section 4830** of the Revised Laws of Hawaii 1945, as amended by Act 353 of the Session Laws of Hawaii 1949, is hereby further amended by substituting for the word "dependent" in the second and third, the fourth, twenty-sixth, twenty-eighth, thirty-seventh and thirty-ninth lines thereof the word "neglected". [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4830; am. L. 1949, c. 353, s. 1; am. L. 1953, c. 153, s. 5.]

SECTION 6. **Section 4832** of said chapter is hereby amended by deleting the word "dependent" in the seventh line thereof. [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4832; am. L. 1953, c. 153, s. 6.]

SECTION 7. The title between **sections 4845 and 4846** of said chapter is hereby amended to read as follows:

"PART II. SPECIFIC PROVISIONS GOVERNING PUBLIC ASSISTANCE AND CHILD WELFARE SERVICES."

SECTION 8. **Section 4846** of said chapter is hereby amended to read as follows:

"**Sec. 4846. Public assistance and child welfare services.** The department shall administer public assistance and child welfare services in the several counties." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4846; am. L. 1953, c. 153, s. 8.]

SECTION 9. **Section 4849** of said chapter is hereby amended by deleting the word "dependent" from the title and from the first and seventeenth lines thereof. [L. 1941, c. 296, pt. of s. 1; am. L. 1943, c. 213, s. 1 (b); R. L. 1945, s. 4849; am. L. 1953, c. 153, s. 9.]

SECTION 10. **Section 4850** of said chapter is hereby amended to read as follows:

"**Sec. 4850. Determination of amount of assistance.** The amount of public assistance granted, including funds received from the federal government, shall not exceed in the case of any applicant an amount in excess of that determined upon investigation or by the decision of the department to be compatible with maintaining decency and health. In granting public assistance to a person the department may take into account part or all of the needs of such person's dependents or of those essential to his well being **provided** they also are eligible for public as-

assistance; in the event that such grant has taken into consideration only part of the needs of such other eligible persons such grant shall be without prejudice to a separate grant of assistance to such persons or any of them, as may be proper upon consideration of their remaining needs and in compliance with the provisions of this chapter. In determining the needs of a blind applicant the department shall not take into consideration the first fifty dollars per month of earned income of such blind applicant, so long as such exception is a requirement of the Social Security Act that must be complied with in order for the Territory to receive federal matching funds under the program of aid to the blind." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4850; am. L. 1945, c. 113, s. 2; am. L. 1951, c. 125, s. 3; am. L. 1953, c. 153, s. 10.]

SECTION 11. Section 4851 of said chapter is hereby repealed.

SECTION 12. Section 4852 of said chapter is hereby repealed.

SECTION 13. Section 4854 of said chapter is hereby amended to read as follows:

**"Sec. 4854. Aged, blind, or disabled assistance not to be paid concurrently to same person.** Public assistance as provided in sections 4847, 4848, and 4849.01 shall be paid to a person under only one of these sections for any one period of time." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4854; am. L. 1953, c. 153, s. 13.]

SECTION 14. The title between sections 4856 and 4863 of said chapter as amended is hereby deleted.

SECTION 15. The title of section 4863 of said chapter is hereby amended to read as follows:

**"Sec. 4863. General assistance."**

SECTION 16. This Act shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 1, 1953.) H. B. 1043, Act 153.

§ 4825. **Protection of records; divulging confidential information prohibited.** Am. L. 1951, Act 226 [A-94], rewritten p. 244.

§ 4827. **Duties.** Am. L. 1945, Act 113 [A-81], Act 157 [A-79]; Am. L. 1953, Act 153 [A-89], supra.

§ 4828. **Medical, etc.** Am. L. 1945, Act 161 [A-80]; Am. L. 1947, Act 22 [A-70], rewritten p. 158; Am. L. 1953, Act 153 [A-89], supra.

§ 4829.01. **Care, control and custody of non-diseased children**

of parents suffering from Hansen's disease. Am. L. 1951, Act 24 [A-95].

Series A-90: ACT 28

An Act Relating to Non-Diseased Children  
of Hansen's Disease Patients.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4829.01 of the Revised Laws of Hawaii 1945, as enacted by section 2 of Act 24 of the Session Laws of Hawaii 1951, is hereby repealed.

SECTION 2. Every wardship existing pursuant to said section 4829.01 is hereby terminated, and from and after the effective date hereof, every non-diseased child of parents suffering from Hansen's disease shall be accorded the same consideration and provided for as any other child who is in need of financial, medical or other assistance or who is deprived of parental care and support.

SECTION 3. Notwithstanding this repeal, every such non-diseased child shall be subject to medical examination from time to time as the board of health may deem necessary.

SECTION 4. This Act shall take effect July 1, 1953.  
(Approved April 22, 1953.) H. B. 743, Act 28.

§ 4830. Authority over and investigation of persons, organizations and institutions caring for or placing dependent children. Am. L. 1949, Act 353 [A-139]; Am. L. 1953, Act 153 [A-89], supra.

Series A-91: ACT 191

An Act Relating to Child Placing Organizations, Child Caring Institutions and Foster Boarding Homes and Making Such Organizations, Institutions and Homes Subject to Regulation and Investigation by the Department of Public Welfare.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4830 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

“Sec. 4830. Child placing organizations, child caring institutions and foster boarding homes; defined, authority over and investigation of.

As used in this section:

(a) 'Child placing organization' means any person, agency or organization, excepting juvenile courts and the division of parole and home placement of the department of institutions, engaged in the investigation, placement, and supervision of children in foster care.

(b) 'Child caring institution' means any institution, other than an institution of the Territory, maintained for the purpose of receiving six or more minor children for care and maintenance, not of common parents, apart from their parents or guardians on a twenty-four hour basis for monetary payment. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work.

(c) 'Foster boarding home' means any children's boarding home in which one or more, but less than six, minor children are received for care and maintenance apart from their parents or guardians on a twenty-four hour basis for fee or charge, **provided** that this term shall not apply to such children's boarding homes in which children may be placed by order of a juvenile court or by the division of parole and home placement of the department of institutions.

No child placing organization shall engage in the investigation, placement, and supervision of minor children in foster care unless it meets with the standards of conditions, management, and competence set by the department.

No child caring institution shall be allowed to receive minor children for care and maintenance unless it meets with the standards of conditions, management, and competence to care for and train children set by the department.

No foster boarding home shall receive for care and maintenance any child unless it meets with the standards of conditions, management, and competence set by the department.

The department shall have the power and authority to make rules and regulations relating to (1) standards for the organization and administration of child placing organizations, (2) standards of conditions, management, and competence for the care and training of minor children in child caring institutions, and (3) standards of conditions and competence of operation of foster boarding homes as may be necessary to protect the welfare of children.

All rules and regulations of the department when approved by the governor shall have the force and effect of law, and any violation thereof or of any of the provisions of this section shall constitute a misdemeanor and be punishable by a fine not exceeding two hundred dollars.

Upon approval of any such organization, institution, or home, the department or its authorized agents shall issue a certificate of approval which shall continue in force for one year unless sooner revoked for cause. Such certificate shall be renewed by the department or its authorized agents, after annual investigation, if such investigation shall disclose that such organization, institution, or home continues to meet with the standards set by the department. The certificate of approval shall be a permit to operate the child placing organization, child caring institution, or foster boarding home, and no person or organization shall operate or maintain such organization, institution, or home without such certificate.

Any child placing organization, child caring institution, or foster boarding home shall be subject to investigation at any time and in such manner, place, and form as may be prescribed by the department or its authorized agents." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4830; am. L. 1949, c. 353, s. 1; am. L. 1953, c. 191, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 5, 1953.) **H. B. 968, Act 191.**

§ 4832. **Residence arrangements.** Am. L. 1953, Act 153, supra.

§ 4834. **Applications, manner, form, conditions.** Am. L. 1951, Act 169 [A-96], partly rewritten p. 246.

§ 4839. **Assistance improperly obtained, inquiry, suspension.** Am. L. 1951, Act 137 [A-97], partly rewritten p. 247.

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### Series A-92: ACT 52

An Act Relating to Fraudulent or Improper  
Obtaining of Public Assistance and Providing Penalties Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4839 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"**Sec. 4839. Frauds, penalties.** Any person who, by means of a wilfully false statement or representation, or

by impersonation or other fraudulent device, obtains or attempts to obtain, or aids or abets any other person to obtain public assistance to which he is not justly entitled, or a larger amount of assistance than that to which he is justly entitled; or any recipient who buys or disposes of real property or any person who knowingly aids or abets a recipient in the purchase or sale of real property without the consent of the department, shall be guilty of fraud.

If, at any time while the recipient of public assistance is receiving such assistance, he acquires from any source real property, funds, income, or other resources and fails to report the amount and source of such resources within thirty days of the receipt of same, or prior to spending or otherwise disposing of all or any portion of the same, he shall be guilty of fraud.

Any person convicted under the provisions of this section shall be fined not more than five hundred dollars or be imprisoned for not more than one year or both. Any assistance or portion of same obtained by any fraudulent device, and any assistance paid after receipt of resources which have not been reported to the department as herein required shall be recoverable by the Territory for the use of the department as a debt due the Territory, or, restitution of the amount of same may be ordered by the court following conviction.

The term 'recipient' shall include any person to whom a grant of public assistance is made by direct payment, and any person for whose use and benefit a grant of public assistance is made by payment to a relative or other person." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4839; am. L. 1949, c. 308, s. 1; am. L. 1951, c. 137, s. 1; am. L. 1953, c. 52, s. 1.]

SECTION 2. **Section 4843** of the Revised Laws of Hawaii 1945, as amended, is hereby repealed.

SECTION 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 1, 1953.) **H. B. 967, Act 52.**

§ **4843. Frauds, etc., penalties.** Am. L. 1951, Act 138 [A-98].

§ **4846. Public assistance.** Am. L. 1953, Act 153 [A-89], supra.

§ **4847. Aged persons.** Am. L. 1951, Act 71 [A-99].

### Series A-93: ACT 50

An Act Relating to Public Assistance to Aged Persons and Amending Section 4847 of the Revised Laws of Hawaii 1945, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4847 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the second and third paragraphs added thereto by Act 71 of the Session Laws of Hawaii 1951, to read as follows:

"The agreement shall be recorded in the bureau of conveyances, or filed in the office of the assistant registrar of the land court. From and after the recording in the bureau of conveyances the lien shall attach to all interests in real property then owned by the person and not registered in the land court, and from and after the filing thereof in the office of the assistant registrar of the land court the lien shall attach to any such interest in land then registered therein. The lien shall be for all amounts of assistance then or thereafter paid in accordance with the provisions of this section.

It shall be the duty of the department to issue certificates of release or partial release upon satisfaction or partial satisfaction of the lien. No fees shall be charged for any recording." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4847; am. L. 1951, c. 71, s. 1; am. L. 1953, c. 50, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 1, 1953.) **H. B. 949, Act 50.**

§ 4848. **Blind persons.** Am. L. 1951, Act 125 [A-93], rewritten p. 242.

§ 4849.01. **Aid to the permanently and totally disabled.** Am. L. 1951, Act 126 [A-100].

§ 4850. **Determination of amount of assistance.** Am. L. 1945, Act 113 [A-81]; Am. L. 1951, Act 125 [A-93]; Am. L. 1953, Act 153 [A-89], *supra*.

§ 4851. **Home conditions.** Am. L. 1953, Act 153 [A-89], *supra*.

§ 4852. **Federal assistance.** Am. L. 1953, Act 153 [A-89], *supra*.

§ 4853. **Examination of blind.** Am. L. 1945, Act 113 [A-81]; Am. L. 1951, Act 46 [A-101], rewritten p. 252.

§ 4854. **Aged and blind assistance.** Am. L. 1953, Act 153 [A-89], *supra*.

§§ 4857-62. **Renumbered §§ 4872-77.** L. 1945, Act 113 [A-81].

§ 4863. **Persons not otherwise provided for.** Am. L. 1951, Act 291 [A-102]; Am. L. 1953, Act 153 [A-89], *supra*.

## Chapter 85.01. BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND.

§ 4871. **Bureau created; appointment of director and subordinates; general powers.** NEW, L. 1945, Act 113 [A-81].

§ 4871.01. **Vocational rehabilitation of blind.** NEW, L. 1945, Act 125 [A-82].

§ 4872. **Registration of blind.** Renumbered L. 1945, Act 113 [A-81]. Formerly § 4857.



§§ 4872.01-.04. Definitions. NEW, L. 1947, Act 108 [A-71].

§ 4873. Cause and prevention of blindness, examinations. Renumbered L. 1945, Act 113 [A-81]. Formerly § 4858.

\*§ 4874. Agencies for information and industrial aid. Renumbered L. 1945, Act 113 [A-81]; Am. L. 1951, Act 259 [A-103].

§ 4875. Workshops. Renumbered L. 1945, Act 113 [A-81].

§§ 4876-7. Renumbered L. 1945, Act 113 [A-81]. Formerly §§ 4861-62.

§§ 4878-9. Medical care, etc. NEW, L. 1945, Act 113 [A-81].

§§ 4879.01-.02. Blind on common carriers. NEW, L. 1945, Act 265 [A-83].

§ 4879.03. Blind guide, etc. NEW, L. 1947, Act 109 [A-72].

§§ 4880.01-.03. Blind, protection of. NEW, L. 1947, Act 35 [A-73].

### Series A-94: ACT 148

An Act Authorizing and Directing the Bureau of Sight Conservation and Work With the Blind to Establish, Maintain and Operate a Rehabilitation Center for the Blind and Visually Disabled for Eight Weeks in 1953 and in 1954; and Making An Appropriation of \$19,500.00 Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 4881]. SECTION 1. [Rehabilitation center for blind.] The bureau of sight conservation and work with the blind is hereby authorized and directed to establish, maintain and operate a rehabilitation center for the blind and visually disabled for a period of eight weeks in 1953, and for a period of eight weeks in 1954. The rehabilitation center herein authorized shall be designed to assist the blind and visually handicapped in their mental, emotional, physical and economical adjustment to blindness and other visual defects through the application of proper tests, measurements, and intensive training in order that they may develop manual dexterity, obstacle and direction awareness, acceptable work habits, and maximum skills in industrial and commercial processes. [L. 1953, c. 148, s. 1.]

[Sec. 4882]. SECTION 2. [Appropriation.] There is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, for the biennial period beginning July 1, 1953, and ending June 30, 1955, the sum of \$19,500.00 or so much thereof as shall be necessary, to be expended by the bureau of sight conservation and work with the blind for the establishment, maintenance and operation of a rehabilitation center for the blind and visually

\* Note: "4874" should read "4875", see L. 1945, Act 113 [A-81].

disabled as provided in section 1 of this Act. The appropriation hereby made shall be in addition to any other appropriation made for the same or similar purposes. [L. 1953, c. 148, s. 2.]

SECTION 3. This Act shall take effect July 1, 1953.

(Approved May 29, 1953.) **S. B. 343, Act 148.**

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## Title 13: PUBLIC WORKS.

### Chapter 86. DEPARTMENT.

§ **4901. Superintendent.** Am. **L. 1947, Act 180 [A-74].**

§§ **4905-07. Rep. L. 1949, Act 185 [A-32].**

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### Series A-95: ACT 62

An Act Relating to Restoration and Replacement of Boundary Markers along Public Highways.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 4913.** SECTION 1. [**Restoration of boundary markers.**] In all cases in which a boundary marker along the right-of-way of a public highway shall have been disturbed or removed by a public agency of the Territory or a county in connection with the widening, construction, or maintenance of the highway, the public agency which caused the disturbance or removal shall, if requested by an owner of land a boundary marker of which has been so affected, restore the boundary marker or set a new one at the point of intersection of the affected boundary of such owner's land with the boundary of the right-of-way; **provided**, however, that no such boundary marker shall be restored or set unless its proper location shall have been established by law or by agreement of all persons having an interest in the location thereof; and, **provided**, further, that this Act shall not apply to markers disturbed or removed prior to January 1, 1950. [L. 1953, c. 62, s. 1.]

SECTION 2. Any such restoration or setting of new boundary markers shall be in lieu of all other compensation for the disturbance or removal. [L. 1953, c. 62, s. 1.]

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1953.) **H. B. 517, Act 62.**

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### Chapter 86A. AERONAUTICS COMMISSION.

§§ **4915.01-.02. Definitions, declaration of purpose.** NEW, **L. 1947, Act 32 [A-75].**

§ 4915.03. **Aeronautics commission (a) Creation, membership.** NEW, L. 1947, Act 32 [A-75]; am. L. 1949, Act 360 [A-141].

§§ 4915.04-.07. **Development, legislation, etc.** NEW, L. 1947, Act 32 [A-75].

§ 4915.08. **Operation and use privileges.** NEW, L. 1947, Act 32 [A-75]; Am. L. 1949, Act 374 [A-142].

§§ 4915.09-.20. **Federal aid, contracts, etc.** NEW, L. 1947, Act 32 [A-75].

### Series A-96: ACT 276

An Act Relating to the Classification and Compensation of Certain Employees of the Hawaii Aeronautics Commission.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 4916]. SECTION 1. [Classification and compensation of employees of Hawaii Aeronautics Commission.] Any other law to the contrary notwithstanding, the personnel classification board of the Territory of Hawaii is hereby authorized and directed to classify and set the salaries of the employees of the Honolulu airport fire department so that the classification and salaries of the said employees shall be identical with comparable positions in the Honolulu fire department. [L. 1953, c. 276, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved June 15, 1953.) S. B. 678, Act 276.

### Chapter 87. AERONAUTICS, UNIFORM LAW FOR.

§ 4930. Rep. L. 1947, Act 32 [A-75].

§ 4931.01. **Honolulu Airport.** NEW, L. 1947, Act 31 [A-76]; Am. L. 1951, Act 3 [A-104].

§ 4931.02. **John Rodgers Terminal.** NEW, L. 1947, Act 31 [A-76].

§ 4931.03. **Kona Airport.** NEW, L. 1949, Act 32 [A-143].

§ 4932. Rep. L. 1947, Act 32 [A-75].

§ 4934. **Reckless operation, aircraft.** NEW, L. 1947, Act 32 [A-75].

### Chapter 87A. AIRPORT ZONING.

§ 4935.01. **Airport zoning, definitions.** NEW, L. 1945, Act 182 [A-85]; Am. L. 1947, Act 32 [A-75].

§§ 4935.02-.15. **Airport zoning.** NEW, L. 1945, Act 182 [A-85].

### Chapter 88. COMBUSTIBLES.

§ 4941. **Definitions; combustibles under regulation of superintendent.** Am. L. 1951, Act 101 [A-105].

### Series A-97: ACT 138

An Act to Amend Chapter 88 of the Revised Laws of Hawaii 1945, As Amended, Relating to

Combustibles, and to Transfer the Functions of the Superintendent of Public Works Under the Provisions Thereof to the Territorial Fire Marshal.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 88 of the Revised Laws of Hawaii 1945, as amended by Act 101 of the Session Laws of Hawaii 1951, is hereby further amended as follows:

(1) By amending section 4941 to read:

**"Sec. 4941. Definitions; combustibles under regulation of fire marshal.** As used in this chapter:

'Combustibles' means petroleum and its derivatives, lacquer and paint thinners or solvents, acetone, alcohols, turpentine and any other liquid or solid substances which, at ordinary temperatures and in the presence of air or water, or both, create or give off inflammable or explosive gases.

'Fire marshal' means the fire marshal of the Territory and his authorized subordinates.

'Person' means any natural person, partnership, association or corporation.

Subject to the provisions of this chapter the fire marshal shall have complete charge, supervision, control and regulation over the manufacture, dealing in, possessing, using, keeping, storing, testing, handling, transporting, selling and purchasing of all combustibles. [L. 1911, c. 152, s. 1; R. L. 1925, s. 863; R. L. 1935, s. 1770; am. L. 1941, c. 326, pt. of s. 1; R. L. 1945, s. 4941; am. L. 1951, c. 101, s. 1 (1); am. L. 1953, c. 138, s. 1 (1).]

(2) By amending **section 4943**, as amended, in the following respects:

(a) In line 1 thereof, change the title to read "Sec. 4943. Storage."

(b) By amending subparagraph 4 thereof to read as follows:

"4. It is **provided**, however, that if application be made to the fire marshal for permission to store such articles in tanks, as aforesaid, in excess of one thousand gallons, he shall, in case the application relates to such storage in the city and county of Honolulu, consult with the chief of the fire department of the city and county, and with the chief engineer, or his assistant, of the fire department of the town nearest such proposed place of storage and, in case the application relates to storage in any other county, he shall consult with the county engineer and the board of public works of such county

and if, in the opinion of the officials so consulting together, an increase in the maximum number of gallons so stored, as herein provided, will not endanger the safety of the public or surrounding property, a permit therefor signed by the officials above stipulated may be issued to the applicant for such storage."

(c) By deleting from line 23 of subparagraph 5 thereof the words "the superintendent and".

(3) By substituting for the word "superintendent" wherever the same appears in **sections 4941 to 4945**, inclusive, and **section 4955**, the words "fire marshal". [L. 1911, c. 152, s. 2; am. L. 1919, c. 109, s. 1; am. L. 1921, c. 71, s. 1; R. L. 1925, s. 864; R. L. 1935, s. 1771; am. L. 1935, c. 69, s. 1; R. L. 1945, s. 4943; am. L. 1953, c. 138, s. 1 (2).]

**SECTION 2.** On the effective date of this Act, all records and equipment of the department of public works pertaining to the functions of the superintendent of public works in connection with the administration of chapter 88, as amended, shall be forthwith transferred to the territorial fire marshal.

**SECTION 3.** This Act shall take effect upon its approval. (Approved May 29, 1953.) **H.B. 394, Act 138.**

§§ **4946 to 4953, inc.** Removed from Chap. 88, renumbered §§ **4393.11 to 4393.18** and inserted as a new subtitle "Explosives", Chap. 76A. **NEW, L. 1951, Act 101 [A-105].**

§ **4393.11. Definitions.** **Am. L. 1951, Act 101 [A-105].**

§ **4393.11-4393.16. "Director" substituted for "superintendent".** **Am. L. 1951, Act 101 [A-105].**

§ **4393.17. Substitution of certain words.** **Am. L. 1951, Act 101 [A-105].**

§ **4393.19. Exceptions.** **NEW, L. 1951, Act 101 [A-105].**

§ **4393.20. Appeals.** **NEW, L. 1951, Act 101 [A-105].**

§ **4393.21. Violations; penalty.** **NEW, L. 1951, Act 101 [A-105].**

## Chapter 89. FEDERAL AID HIGHWAYS.

§ **4963. Engineer's duties.** **Am. L. 1947, Act 180 [A-74].**

§ **4964. Engineer's powers.** **Am. L. 1947, Act 73 [F-210].**

§ **4964.01. Signs.** **NEW, L. 1945, Act 172 [A-86].**

### Series A-98: ACT 227

An Act Providing for the Payment by the Territory of Hawaii of the Expense of Removal, Relocation, Replacement and Reconstruction of Certain Facilities of Public Utilities in Connection with the Construction, Reconstruction or Maintenance of Territorial or Federal Aid Highways.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 4964.02**]. **SECTION 1. Definition.** The term "util-

ity facility" wherever used in this Act, means and includes any of the following: any surface, underground or overhead water mains, fire hydrants, gas mains, sewer mains, pipes (including fuel oil lines), conduits, manholes, poles, wires, cables, lines, street lighting structures, or other structures or equipment, and the appurtenances thereto, owned by any privately owned public utility or by any county or by any police department or board of water supply of a county and used in connection with the production or the furnishing of water, gas, light, electric power, communications, transportation, or other public utility services. [L. 1953, c. 227, s. 1.]

[Sec. 4964.03]. SECTION 2. [Relocation of utility facilities.] Whenever, as the result of the work of construction, reconstruction or maintenance of any territorial highway or federal aid highway, it is necessary to provide for or require the removal, relocation, replacement or reconstruction of any utility facility, and the expense of such removal, relocation, replacement or reconstruction exceeds three thousand dollars, one-half of such excess expense shall be a proper charge against the territorial funds available for the construction or maintenance of such territorial highways; **provided**, however, that all of the expense of such removal, relocation, replacement or reconstruction of publicly owned utility facilities shall be a charge against such territorial funds.

The work of such removal, relocation, replacement or reconstruction may be performed in the following manner, subject to the following conditions: (1) such work shall be performed in accordance with standards of construction currently used by such utility; and (2) such work may be performed by contract as provided in section 351 of the Revised Laws of Hawaii 1945; or after first calling for bids under said section 351, the superintendent of public works, territorial highway engineer, or other officer having power to award such contract, may contract with the public utility owning such utility facility to have the work performed by it, with the use of its own employees and equipment at not to exceed actual cost or the amount of the lowest responsible bid (if such bids shall have been submitted), whichever is the lowest amount, with the adjustments hereinafter provided for.

The amount to be paid out of territorial funds under this Act, shall be computed as follows:

1. The total cost shall first be determined.
2. From such total cost there shall be deducted the following items:

(a) depreciation and the salvage value of any materials or parts salvageable and retained by the utility;

(b) the amount of any betterment to the utility facility resulting from such removal, relocation, replacement, or reconstruction;

(c) in the case of a privately owned utility facility only, the first three thousand dollars of the expense of such work;

(d) the balance of such cost, in the case of a privately owned utility facility only, shall be paid one-half by the owner thereof, and the remaining one-half shall be the amount payable out of territorial funds under this Act. [L. 1953, c. 227, s. 2.]

[Sec. 4964.04]. SECTION 3. [Portions of projects deemed one.] Where a particular highway project is divided into sections or portions for the purpose of calling for bids thereon, all sections or portions of such project for which bids are called for at or about the same time shall be deemed one project for the purposes of determining the expense of such removal, relocation, replacement or reconstruction. [L. 1953, c. 227, s. 3.]

SECTION 4. This Act shall take effect upon its approval, but shall not apply to that portion of any project to be constructed under a bid or bids called for which shall have been advertised on or prior to the effective date of this Act.

(Approved June 12, 1953.) S. B. 248, Act 227.

§§ 4970-71. Rep. L. 1945, Act 82 [A-87].

§ 4972. Maintenance. Am. L. 1945, Act 82 [A-87].

§ 4973. Rep. L. 1945, Act 82 [A-87].

§§ 4973.01-.07. Permits to dig up. NEW, L. 1945, Act 173 [A-88].

§§ 4975.01-.06. Post-War Highways. NEW, L. 1945, Act 164 [A-89].

## Chapter 90. HARBORS.

§ 4981. Appointment of commissioners; jurisdiction. Am. L. 1951, Act 22 [A-106].

§ 4982. Secretary; director. Am. L. 1947, Act 238 [A-77].

§ 4983.01. Drawbridge across second channel into Honolulu harbor. NEW, L. 1949, Act 105 [A-144].

§ 4990. Wharfingers. Am. L. 1945, Act 112 [A-90].

§ 4994.01. Limitation of private use of shores or shore waters. NEW, L. 1949, Act 119 [A-145].

§ 4998.02. Maintenance of small boat harbors. Am. L. 1951, Act 239 [A-107].

§ 4996. Rates. Am. L. 1947, Act 72 [A-78].

## Series A-99: ACT 119

An Act to Provide for the Waiver of Mooring Charge for Sea Scout Craft.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 4996.01]. SECTION 1. [Waiver of mooring charges.] The board of harbor commissioners is hereby authorized and directed to waive the mooring charge for any and all sea scout craft using moorings belonging to or controlled by the Territory, when moorings are available as determined by the board of harbor commissioners, **provided** said craft are owned and used exclusively for the purpose of regular organized sea scout groups. [L. 1953, c. 119, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved May 20, 1953.) **S.B. 235, Act 119.**

§ 4997. Rep. L. 1947, Act 72 [A-78].

§ 4998. **Special fund.** Am. L. 1945, Act 112 [A-90]; Am. L. 1947, Act 72 [A-78].

§ 4998.01. **Expenditures.** NEW, L. 1947, Act 72 [A-78].

§§ 5007-11. Rep. L. 1949, Act 127 [B-207].

## Chapter 91. RADIO CONTROL.

§ 5021. **Radio board.** Am. L. 1947, Act 180 [A-74].

## Chapter 92. RAILWAY LAW.

§ 5044. **Compensation to be made.** Am. L. 1951, Act 12 [A-8].

§§ 5046-56. Rep. L. 1951, Act 12 [A-8].

§ 5057. **To be sold.** Am. L. 1951, Act 12 [A-8].

## Chapter 93A. HAWAII IRRIGATION AUTHORITY.

## Series A-100: ACT 245

An Act Establishing a Hawaii Irrigation Authority; Providing for its Powers, Duties and Functions; Providing for the Levy and Collection of Acreage Assessments and the Fixing and Collection of Water Tolls; Transferring to said Authority Functions Established and Appropriations Made by Other Acts Relating to Water Development and Amending Such Acts; Providing for the Creation and Administration of Irrigation Projects; Authorizing the Issuance of Revenue Bonds; Making an Appropriation; and Amending Inconsistent Laws to Conform Thereto.



*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 5086]. SECTION 1. **Short title.** This Act may be cited as the "Hawaii Irrigation Act". [L. 1953, c. 245, s. 1.]

[Sec. 5086.01]. SECTION 2. **Findings and declaration of necessity.** It is hereby found and determined that small scale farming and the overall production of agricultural products is of major importance to the public welfare of this Territory and of its inhabitants. It is hereby further found and determined that water sources as now developed and existing irrigation facilities within this Territory are inadequate for the fullest and highest development of small scale farming and the overall production of agricultural products. It is, therefore, hereby declared that additional water, either from untapped sources or from existing sources with economic potentialities for the production of a greater supply, and additional irrigation facilities, are necessary for the development of small scale farming and the overall production of agricultural products in the Territory of Hawaii and are of great importance to this Territory and its inhabitants. [L. 1953, c. 245, s. 2.]

[Sec. 5086.02]. SECTION 3. **Definitions.** The following terms, whenever used and referred to in this Act, shall have the following respective meanings, unless a different meaning clearly appears in the context:

"Authority" or "irrigation authority" shall mean the Hawaii irrigation authority created by this Act.

"Project" or "irrigation project" shall mean an area established under the provisions of this Act for the purpose of supplying water for agricultural needs to land occupiers engaged in small scale farming, and, in case that it becomes necessary to take over the sources and means of irrigation of lands already irrigated, under the circumstances permitted in the subsequent provisions of this Act, areas already irrigated, the use of which is not restricted to small scale farming.

"Irrigation facility" shall include all real and personal property, together with all improvements to the same, acquired or constructed pursuant to a plan or undertaking to provide irrigation within an irrigation project under the terms of this Act.

"Small scale farming" shall mean agricultural pursuits, including the care and production of livestock and poultry, engaged in by a land occupier, other than the Territory of Hawaii and the Hawaiian Homes Commission, owning or having a leasehold of agricultural land not exceeding sixty

(60) acres, or in the case of pasture land suitable with the use of water for irrigated pasture, owning or having a leasehold of pasture land not exceeding one hundred (100) acres within any existing irrigation project or projects, and owning the land in fee or having a lease term or remainder term thereon. Where any such land occupier owns both agricultural and pasture land, the said foregoing acreage limits shall be applied by adding the following items: (a) an amount equal to the number of acres of agricultural land multiplied by one and two-thirds and (b) the number of acres of pasture land, and the sum of said items (a) and (b) shall not exceed one hundred (100).

"Water tolls" shall mean any charges established by the authority for water supplied by it to land occupiers.

"Acreage assessments" shall mean any levy imposed pursuant to the provisions of this Act on the real property of land occupiers within an irrigation project for the purpose of acquiring, establishing, or maintaining irrigation facilities within said project.

"Land occupier" shall include the Territory, the Hawaiian Homes Commission, or the person, firm or corporation who shall hold title to and, in the case of lease land, the person, firm or corporation who shall be in possession of any lands lying within an irrigation project organized, or to be organized, under the provisions of this Act.

"Agricultural land" within an irrigation project, as defined above, shall be such land as will lie within the area to be served by the proposed facilities and of such a character as may be profitably employed in the growing of irrigated crops or the production, with the aid of irrigation, of livestock and poultry.

"Government" shall include the Territory and the United States and any political subdivision, agency, or instrumentality, corporate or otherwise, or either of them. [L. 1953, c. 245, s. 3.]

[Sec. 5086.03]. **SECTION 4. Hawaii irrigation authority created.** An authority to be known as the "Hawaii irrigation authority" is hereby created. Such authority shall be a public body and a body corporate with perpetual existence and shall consist of five commissioners who shall be appointed and may be removed by the governor in the manner provided by section 80 of the Hawaiian Organic Act. Not less than three of the commissioners shall be persons with training or experience in the fields of irrigation engineering or agriculture. The governor shall also designate the first chairman. Not more than three of the commissioners shall be members of the same political party. Not more than three commissioners

may be officers or employees of the government whose office or employment under the government will not conflict with the duties of such officers or employees as commissioners.

The commissioners who are first appointed shall be designated by the governor to serve for terms of one, two, three, four and five years respectively from the date of their appointment. Thereafter, the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. Three commissioners shall constitute a quorum. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. The authority shall select from among its members a vice chairman, and it may employ an executive secretary, technical experts and such other officers, agents and employees as it may require, and shall determine their qualifications, duties and compensation, subject to the provisions of chapters 2 and 3 as amended, of the Revised Laws of Hawaii 1945. The authority may call upon the attorney general for such legal services as it may require or it may, in the event of the disqualification of the attorney general, or with the approval of the governor, employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. [L. 1953, c. 245, s. 4.]

[Sec. 5086.04]. **SECTION 5. Duty of the authority and of the commissioners.** The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions and the intent of this Act and the applicable laws of the Territory and, in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed. [L. 1953, c. 245, s. 5.]

[Sec. 5086.05]. **SECTION 6. Reports.** The authority shall at least once a year, not later than February 15, file with the governor a report of its activities for the preceding year, and shall make any recommendation with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Act. [L. 1953, c. 245, s. 6.]

[Sec. 5086.06]. **SECTION 7. Interested commissioners or employees.** No commissioner or employee of the authority

shall acquire any interest, direct or indirect, in any irrigation facility or project or in any property included or planned to be included in any facility or project, nor shall he have any interest, direct or indirect, in any contract or proposed contract, for materials or services to be furnished or used in connection with any irrigation facility or project. If any commissioner or employee of the authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any irrigation facility or project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Such commissioner or employee shall be immediately disqualified from taking any part in the action of the authority relative to such irrigation facility or project. Failure to so disclose such interest shall constitute misconduct in office. [L. 1953, c. 245, s. 7.]

[Sec. 5086.07]. SECTION 8. Powers. The authority shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

To sue and be sued; to have a seal and to alter the same at pleasure; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority, including, without prejudice to the generality of the foregoing, contracts and other instruments for the purchase or sale of water and for the purchase or lease of irrigation facilities, including the land on which such facilities are situated; and for securing to the owners and occupiers of land in a project a priority right to so much water from such project as is required for the purposes or needs of such land, whether agricultural or nonagricultural in nature, as such purposes or needs exist at the inception of the project or are then contemplated in the immediate future; to make and from time to time, amend and repeal, by laws, rules and regulations, not inconsistent with this Act, which upon compliance with section 466, as amended, of the Revised Laws of Hawaii 1945, shall have the force and effect of law, to carry into effect the powers and purposes of the authority; and

To make surveys for the purpose of determining the engineering and economic feasibility of each project; to define the boundaries of projects, existing or proposed pursuant to this Act; to conduct or have prepared comprehensive studies of the crops, livestock and poultry which may be profitably grown or produced within each project and the probable market for such crops, livestock and poultry; and to determine the probable costs and value of providing irrigation water in any proposed project; to investigate in con-

nection with surveys of water sources the possibility and feasibility of inducing rain by artificial or other means.

The authority is empowered, upon petition of land occupiers as provided by section 16 herein, or upon its own initiative, to prepare detailed plans for the acquisition or construction of irrigation facilities which in its opinion are economically feasible; to prepare estimates of the probable cost of each; and to prepare estimates of the water tolls and acreage assessments required for the cost of operation and the amortization of the investment of each project, so that the project shall be self-supporting.

The authority shall also have power to establish the total amount of acreage assessments to be levied annually within each project; to set tolls which it shall charge for the water provided by its facilities, subject to the rate policies established hereunder; to charge and collect such tolls, fees and other charges established in connection herewith; to sell, exchange, transfer, assign or pledge any property, real or personal, or any interest therein to any person, firm, corporation or government, except as prohibited by the Organic Act; to own, hold, clear and improve property; to borrow money for any of the purposes hereunder; to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to include in any construction contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

The authority shall also have the power to enter into any repayment or other contracts with the United States for the construction, operation and maintenance of any project as may be required or provided for by the federal reclamation laws, or acts amendatory thereof or supplementary thereto, or other federal laws, and further to borrow money or accept grants or assistance from the federal government, or any department, bureau or agency thereof, and to enter into contracts and agreements with the United States or any department, bureau or agency thereof with respect to the engineering, construction, operation and financing of any project hereunder. It shall be the duty of the authority to make every effort to obtain all federal aid possible for the purposes of this Act. [L. 1953, c. 245, s. 8.]

[Sec. 5086.08]. SECTION 9. **Issuance of revenue bonds.** The authority shall have the power, with the approval of the

governor, to issue revenue bonds, as provided by part IV of chapter 115, Revised Laws of Hawaii 1945, as enacted by Act 74, Session Laws of Hawaii 1947, to finance in whole or in part, the cost of construction, acquisition, or maintenance of any facility or project hereunder, and, in connection therewith, to pledge for the punctual payment of such bonds, and interest thereon, any and all revenues derived from the project or projects for the construction and/or acquisition and/or maintenance of which the bonds were issued, and the revenue of other or all projects, in an amount sufficient to pay the principal and interest of such bonds as the same shall become due, and to create and maintain reasonable reserves or sinking funds therefor. Funds of the authority, not otherwise required, may be advanced to pay necessary expenses incurred in making preparation for the initial issuance of bonds under this Act, and to take any other action necessary or proper in connection therewith. Any project authorized by this Act shall be designated as "undertaking" within the meaning of said part IV of said chapter 115 and shall be the public undertaking, the revenues of which are hereby charged with the payment of the principal and interest of said bonds. [L. 1953, c. 245, s. 9.]

[Sec. 5086.09]. **SECTION 10. Investment of funds; other laws inapplicable re acquisition, etc., of property.** The authority may invest any funds held in reserves, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to the authority unless the legislature shall specifically so state. [L. 1953, c. 245, s. 10.]

[Sec. 5086.10]. **SECTION 11. Security for funds deposited by authority.** The authority may by resolution provide that all moneys deposited by it shall be secured: (1) by any securities by which funds deposited by the treasurer of the Territory may be legally secured, as provided in section 3853 of the Revised Laws of Hawaii 1945; or (2) by an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any such security for such deposits. [L. 1953, c. 245, s. 11.]

[Sec. 5086.11]. **SECTION 12. Eligibility of revenue bonds for investment.** It shall be legal for the Territory and any of its political subdivisions, or any political or public corporation, including the employees' retirement system of the Territory,

or any instrumentality of the Territory, or any insurance company or building and loan association, or any savings bank or trust company, or any bank or other financial institution operating under the laws of the Territory, or for any executor, administrator, guardian, trustee or other fiduciary, or any educational, charitable, or eleemosynary institution to invest their funds or moneys in their custody in the revenue bonds issued hereunder; **provided**, however, that the foregoing shall not be deemed to obviate or otherwise affect any statutory or other requirement with respect to the use of judgment and care in investing any such funds. No holder of any revenue bonds issued hereunder, however, shall have the right to compel any exercise of the taxing power of the Territory to pay such bonds or interest thereon. [L. 1953, c. 245, s. 12.]

[Sec. 5086.12]. **SECTION 13. Exemption from taxation and assessments.** The authority and its property shall be exempt from any and all taxes and assessments of whatsoever nature. [L. 1953, c. 245, s. 13.]

[Sec. 5086.13]. **SECTION 14. Exemption of property from execution sale.** All real property of the authority shall be exempt from mechanics' or materialmen's liens and also from levy and sale by virtue of an execution, and no execution of other judicial process shall issue against the same nor shall any judgment against the authority be a charge or lien upon its real property; **provided**, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of the authority or the right of obligee to pursue any remedies for the enforcement of any pledge or lien given by the authority on its rents, fees or revenues. [L. 1953, c. 245, s. 14.]

[Sec. 5086.14]. **SECTION 15. Rate policy.** It is hereby declared to be the policy of the Territory that the authority (acting directly or by an agent or agents) shall manage and operate its irrigation facilities in an efficient manner so as to enable it to fix the lowest possible rates for water supplied by it. The authority shall not construct or operate any such facility for profit, or as a source of revenue to the Territory. [L. 1953, c. 245, s. 15.]

[Sec. 5086.15]. **SECTION 16. Formation of irrigation projects.** The area to be included within an irrigation project shall not exceed such area as can be adequately irrigated by the quantity of water and water facilities to be provided. No land which at the time of the formation of the project is irrigated, or is devoted to the cultivation for commercial purposes of sugar, pineapples, coffee, bananas, citrus, papaias or maca-

damia nuts, or other horticultural crops, whether or not such land so devoted is irrigated, or is being devoted to an industrial or townsite or other use of greater economic value than agriculture, shall be included in such project if the owner of such land (or the land occupier thereof if other than the owner, in the event that such land occupier is legally chargeable with the acreage assessments) shall object in writing to such inclusion. The foregoing provisions of this paragraph shall be applicable to all irrigation projects, whether instituted by petition or by the authority upon its own initiative.

Land occupiers comprising at least sixty per centum (60%) of the acreage of agricultural lands lying within an area proposed to be organized into an irrigation project may file a petition with the irrigation authority requesting that such project be organized. Where the lands in such proposed area shall be subject to a lease or sales agreement, it shall be necessary for the lessor and lessee, in the case of a lease, and the seller and purchaser, in the case of a sales agreement, to join in any such petition. The Territory of Hawaii, through the land commissioner, or the Hawaiian Homes Commission may petition the irrigation authority requesting the organization of an irrigation project on lands under its control. Before the authority shall commence any irrigation project involving lands under the control of the Hawaiian Homes Commission, it shall require the commission to assure the payment of any acreage assessment thereon, in pursuance of section 208 (5) of the Hawaiian Homes Commission Act, 1920. Before the authority shall commence any irrigation project involving lands of the Territory of Hawaii, it shall require agreement from the land commissioner that any acreage assessment thereon shall be paid in the event the person in possession of any land within the proposed area shall fail to pay said assessment, such payment may be made from any funds in the territorial treasury derived from the lease or license of public lands or waters, which funds are hereby made available for such purpose.

Where more than one petition is filed covering portions of the same territory, the authority may consolidate the petitions. Having received such petitions, on the basis of such evidence as may be submitted to it by the petitioners and on the findings of its own investigations or surveys, or of investigations or surveys conducted by other government agencies, the authority shall establish such irrigation projects as it deems necessary to carry out the purposes of this Act. Before making any final determination, the authority shall hold a hearing, notice of the time, place and purpose of which shall be duly advertised in the same manner and form, as nearly as may be, as provided in the paragraph next following.



In the event the authority proposes to organize an irrigation project on its own initiative, it shall fix the date of public hearing upon the proposed project, which date shall be not less than sixty (60) days after the first publication of notice thereof in a newspaper of general circulation in the county in which the project is proposed. Such notice shall be published once in each of four successive weeks, giving notice to all owners, lessees and others interested of the general detail of the proposed project, stating the time and place of the public hearing. If the owners of fifty-five per centum (55%) of the acreage of agricultural lands lying within the area proposed to be organized into an irrigation project shall at the hearing or prior thereto file written protest against the proposed project, the said project shall not be made and proceedings shall not be renewed within twelve (12) months from the date of closing the public hearing, unless each and every owner protesting shall withdraw his protest; **provided**, however, that any lessee or purchaser under a sales agreement of any agricultural lands lying within the area, who, by the express terms of his lease or sales agreement, must pay the assessment contemplated hereunder, shall be subrogated to all the rights of such owner to protest by filing at the hearing or prior thereto written protest against the proposed project. such written protest to be accompanied by a certified copy of the lease or sales agreement; **provided**, further, that any lessor of such lease or any seller of the property subject to assessment may, at any time before the closing of the public hearing, make void the protest of any such lessee or any purchaser on consideration of the filing with the authority a duly acknowledged waiver of the provision in the lease or sales agreement which requires the lessee or purchaser to pay the assessment, and a written undertaking by the lessor or seller to pay the assessment to be made on account of the proposed project, and further **provided** that a project may be instituted without further advertisement for a smaller acreage within the advertised acreage in the event the authority shall determine such smaller project to be economically feasible, if written protests by the owners of fifty-five per centum (55%) of such smaller acreage shall not be filed. [L. 1953, c. 245, s. 16.]

[Sec. 5086.16]. **SECTION 17. Approval of legislature, appropriations.** Funds for acquisition or construction of irrigation facilities within each project, established by the authority under the provisions of section 16 hereinabove, may be requested from the legislature, as an appropriation to be repaid without interest to the general funds of the Territory by the authority from water tolls, acreage assessments

and other receipts of the authority, within such period as may be specified in the Act making said appropriation.

Upon such appropriation, the authority shall be empowered to proceed with the acquisition or construction of facilities in the manner provided in this Act. [L. 1953, c. 245, s. 17.]

[Sec. 5086.17]. **SECTION 18. Administration of irrigation projects; acreage assessments; water tolls.** All irrigation projects established pursuant to the provisions of this Act shall be administered by the authority. The authority shall determine and certify to the tax commissioner on or before March 31 of each year (a) the amount of acreage assessments necessary in that calendar year for acquisitions, construction and maintenance of irrigation facilities within each project; and (b) the acreage of agricultural land of each land occupier within said project.

Upon such certification the tax commissioner, or his properly authorized deputies or other assistants, shall determine the acreage assessment to be levied against the property of each land occupier in the following manner: (a) by dividing the total acreage assessment certified for any irrigation project by the number of acres of agricultural lands contained in said project; and (b) by multiplying such quotient by the number of acres of agricultural land within the project occupied by said land occupier. Such acreage assessments shall be in addition to any real property taxes, and shall be collected by the tax commissioner in the same manner as said taxes. Acreage assessments shall be a paramount lien against property assessed, which may be subject to foreclosure in accordance with the provisions of sections 5167, as amended, and 5168 of the Revised Laws of Hawaii 1945, except in the case of public lands, including lands subject to homestead and sales agreements, and lands under the control of the Hawaiian Homes Commission. In case of the foreclosure of any homestead land pursuant to said sections 5167 and 5168, any such foreclosure sale shall be subject to the provisions of section 73 (g) of the Hawaiian Organic Act. In the case of public lands and lands under the control of the Hawaiian Homes Commission, acreage assessments shall not constitute a lien against the property involved, and notice of any delinquent acreage assessments shall be served upon the land commissioner or the Hawaiian Homes Commission, as the case may be, for payment.

Acreage assessments shall be deemed revenues within the meaning of part IV of chapter 115, Revised Laws of Hawaii 1945, enacted by Act 74, Session Laws of Hawaii 1947, and

shall be used for the payment of the principal and interest of any revenue bonds issued hereunder.

Water tolls fixed by the authority for each project under the provisions of this Act shall be collected by the authority under such reasonable rules and procedures as it may establish and may modify from time to time.

All water tolls, acreage assessments and receipts from properties sold by way of foreclosure for failure to pay to acreage assessments shall be realizations of the authority. [L. 1953, c. 245, s. 18.]

[Sec. 5086.18]. **SECTION 19. Administration of Waimea irrigation and water utilization project.** Act 240 (Series E-261), Session Laws of Hawaii 1951, is hereby amended by substituting for the words "superintendent of public works" and "superintendent" and equivalent expressions therein, the words "Hawaii irrigation authority"; and any sums appropriated by said Act 240 which are unexpended upon the effective date of this Act are hereby reappropriated to the authority for the purposes of said Act 240. The special fund created by said Act 240 is hereby transferred to and shall constitute a special account in the authority revolving fund created by section 23 of this Act, to be administered as provided by said Act 240. [L. 1953, c. 245, s. 19.]

[Sec. 5086.19]. **SECTION 20. Administration of Molokai irrigation and water utilization project.** Chapter 317 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending section 12951 thereof to read as follows:

**"Sec. 12951. Administration of chapter by Hawaii irrigation authority.** The powers, duties, rights, obligations and functions of the Molokai water board are transferred to the Hawaii irrigation authority (hereinafter referred to as the 'authority'), which is charged with the administration of this chapter, and the word 'chairman' as used in this chapter shall mean the chairman of the authority."

(b) By amending said chapter by substituting for the word "board" and equivalent expressions wherever the same appears therein, the word "authority". [L. 1943, c. 227, s. 1; R. L. 1945, s. 12951; am. L. 1953, c. 245, pt. of s. 20.]

(c) By amending the first sentence of the second paragraph of **section 12955** thereof to read as follows:

"The proceeds of the sale of such bonds shall constitute a special account in the 'authority revolving fund' of the Hawaii irrigation authority to be known as 'Molokai irrigation system account'."

(d) By substituting for the word "fund" in the proviso at the end of said second paragraph of **section 12955**, the word "account". [L. 1943, c. 227, s. 5; R. L. 1945, s. 12955; am. L. 1953, c. 245, pt. of s. 20.]

(e) By amending section 12960 to read as follows:

**"Sec. 12960. Effective date.** This chapter shall take effect upon its approval as to any bonds, the total of which shall not exceed the limitation provided by section 55 of the Hawaiian Organic Act or of any Act extending the amount of bonds which may be issued by the Territory and as to any such bonds in excess of the limitation provided in section 55 of the Hawaiian Organic Act or of any Act extending such amount, this Act shall become effective if and when the Congress of the United States shall enact legislation ratifying this Act and authorizing such bond issue, notwithstanding the limitation of said section 55 of the Hawaiian Organic Act or of any other law to the contrary." [L. 1943, c. 227, s. 10; R. L. 1945, s. 12960; am. L. 1953, c. 245, pt. of s. 20.]

[**Sec. 5086.20**]. **SECTION 21. Budget.** The authority shall submit to the director of the bureau of the budget, biennially, the budget estimates and information required by chapter 25, Revised Laws of Hawaii 1945, and shall include therein estimates of appropriations required by the authority. [L. 1953, c. 245, s. 21.]

[**Sec. 5086.21**]. **SECTION 22. [Limitation of authority].** The power of the authority to establish any irrigation project on the island of Oahu is hereby limited to the establishment of such a project for lands within the ahupuaa of Waimanalo, but water sources and facilities without said ahupuaa may be acquired and constructed for said project. The power of the authority to establish any irrigation project on the island of Oahu is hereby limited to the establishment of such a project, including water sources and facilities, within the ahupuaa of Waimanalo. No irrigation project shall be organized or established in the city and county of Honolulu without the authority first consulting the board of water supply of the city and county of Honolulu and the suburban water system of the city and county of Honolulu. [L. 1953, c. 245, s. 22.]

[**Sec. 5086.22**]. **SECTION 23. Appropriation.** The sum of five hundred thousand dollars (\$500,000.00) is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated for the purposes of the Hawaii irrigation authority, such amount to be deposited in a special

fund to be known as the "authority revolving fund". Moneys in said revolving fund shall be expended for administrative costs, engineering surveys, economic studies, plans, maps and for other purposes of the authority, including irrigation projects. In the event any moneys are expended therefrom for engineering surveys, economic studies, plans and other expenses directly attributable to any irrigation project, the amount of such expenditures shall be reimbursed to said revolving fund from any funds received by the authority for and on account of such project. Any moneys expended for the establishment of irrigation projects shall be reimbursed to said revolving fund from any funds received by the authority for and on account of said project. [L. 1953, c. 245, s. 23.]

[Sec. 5086.23]. **SECTION 24. Other inconsistent laws amended; severability.** All laws or parts of laws inconsistent with this Act are amended to conform to this Act. The provisions of this Act are declared to be severable, and if any portion of this Act, or the application thereof to any person, circumstance or property is held invalid for any reason, the validity of the remainder of this Act, or the application of such portion to other persons, circumstances or property shall not be affected. [L. 1953, c. 245, s. 24.]

**SECTION 25.** This Act shall take effect upon its approval. (Approved June 12, 1953.) **S. B. 188, Act 245.**

## Title 14: TAXATION.

### Chapter 94. ADMINISTRATION AND REAL PROPERTY.

§ 5101. **Definitions.** Am. L. 1945, Act 79 [A-91].

§ 5104. **Commissioner, general duties and powers.** Am. L. 1945, Act 79 [A-91], Act 196 [A-92], rewritten pp. 167-9; Am. L. 1951, Act 133 [A-108].

### Series A-101: ACT 125

An Act Relating to Taxation, Amending Title 14 of the Revised Laws of Hawaii 1945, As Amended, in Respect of the Administration and Enforcement of Tax Laws By the Tax Commissioner, the Imposition and Amounts of Penalties and Interest, and the Remedies of the Tax Commissioner and Other Persons.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1. Section 5104** of chapter 94 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new paragraph to read as follows:

**"17. Closing agreements:** To enter into an agreement in writing with any taxpayer or other person relating to the liability of such taxpayer or other person, under any tax law the administration of which is within the scope of the commissioner's duties, in respect of any taxable period, or in respect of one or more separate items affecting the liability for any taxable period; such agreement, signed by or on behalf of the taxpayer or other person concerned, and by or on behalf of the commissioner, shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, (a) the matters agreed upon shall not be reopened, and the agreement shall not be modified, by any officer or employee of the Territory, and (b) in any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded." [L. 1932, 2d, c. 40, ss. 18, 20, 57, 58; R. L. 1935, s. 1907; R. L. 1945, s. 5104; am. L. 1945, c. 79, s. 2; am. L. 1951, c. 133, s. 1; am. L. 1953, c. 125, s. 1.]

SECTION 2. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby further amended by inserting therein a new section to read as follows:

**"Sec. 5123.01. Notices, how given.** Unless otherwise provided, every notice, the giving of which by the commissioner is required or authorized, shall be deemed to have been given on the date when said notice was mailed, properly addressed to the addressee at his last known address or place of business. [L. 1953, c. 125, s. 2.]

SECTION 3. Section 5127 of chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 5127. Evidence, tax records as.** In respect of every tax the administration of which is within the scope of the commissioner's duties and except as otherwise specifically provided in the law imposing said tax, the notices of assessments, records of assessments, and lists or other records of payments and amounts unpaid, prepared by or under the authority of the commissioner, or copies thereof, shall be prima facie proof of the assessment of the property or person assessed, the amount due and unpaid and the delinquency in payment, and that all requirements of law in relation thereto have been complied with." [L. 1932, 2d, c. 40, s. 4; R. L. 1935, s. 1911; R. L. 1945, s. 5127; R. L. 1953, c. 125, s. 3.]

SECTION 4. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby further amended by inserting at the end of Part I thereof two new subtitles to read as follows:

**"PENALTIES AND INTEREST**

**Sec. 5138.01. Additions to taxes, for non-compliance or evasion.** (a) This section shall apply to every tax or revenue law of the Territory that provides for the filing with the commissioner of a return or statement of the tax or the amount taxable.

(b) There shall be added to and become a part of the tax imposed by such tax or revenue law, and collected as such:

(1) For failure, neglect or refusal to make, authenticate and file any return or statement required by law, or required by a lawful rule, regulation, notice, demand or other lawful authority, which shall include instances in which such return or statement is filed only after final notice by the commissioner of his determination of the tax, not less than fifteen per centum or more than twenty-five per centum of the amount of tax determined by the commissioner, to which shall be added interest, upon said amount of tax and penalty, at the rate of two-thirds of one per centum for each calendar month or fraction of a calendar month, beginning with the first month following the date prescribed for such filing, until paid.

(2) For making, authenticating, or filing a return or statement after the date prescribed therefor, ten per centum of the amount of tax as shown by the return or statement or determined by the commissioner, to which shall be added interest, upon said amount of tax and penalty, at the rate of two-thirds of one per centum for each calendar month or fraction of a calendar month beginning with the first month following the date prescribed for such filing, until paid.

(3) For negligence, or intentional disregard of rules and regulations, in the making of any return or statement required to be filed, in instances in which paragraph (2) does not apply, not more than ten per centum of the amount of additional tax as determined by the commissioner, to which shall be added interest, upon said amount of tax and penalty, at the rate of two-thirds of one per centum for each calendar month or fraction of a calendar month, begin-

ning with the first month following the date prescribed for such filing, until paid.

(4) For knowingly, wilfully or intentionally filing a false or fraudulent return or statement with intent to evade a tax, or for attempting, aiding, abetting, assisting or conspiring in any way to evade any tax, not more than fifty per cent of the amount of additional tax as determined by the commissioner, to which shall be added interest, upon said amount of tax and penalty, at the rate of two-thirds of one per centum for each calendar month or fraction of a calendar month, beginning with the first month following the date prescribed for such filing, until paid, but any amount of tax that has borne interest under paragraph (2) shall not again bear interest under this paragraph.

(5) For failure to pay, within the time allowed therefor, any tax shown due by a return or statement, in instances in which paragraph (2) does not apply, ten per centum of the amount of tax so shown, to which shall be added interest, upon said amount of tax and penalty, at the rate of two-thirds of one per centum for each calendar month or fraction of a calendar month, beginning with the first month following the date prescribed for such payment, until paid.

(6) For failure to pay, within the time allowed therefor, any additional tax determined by the commissioner, in instances in which paragraphs (1), (2), (3) and (4) do not apply, ten per centum of said additional tax so determined, to which shall be added interest, upon said amount of tax and penalty, at the rate of two-thirds of one per centum for each calendar month or fraction of a calendar month, beginning with the first month following the expiration of the time allowed for such payment until paid.

(c) No taxpayer shall be exempt from any penalty or interest by reason of having contested the tax, but only to the extent that the same is adjudged to be excessive or contrary to law. [L. 1953, c. 125, s. 4.]

### GENERAL PROVISIONS

**Sec. 5138.02. Jeopardy assessments, etc.** (a) If the commissioner determines that a taxpayer designs to depart quickly from the Territory, or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or jeopardize, in whole or in part, the assessment or col-



lection of any tax the administration of which is within the scope of the commissioner's duties, he shall cause notice of such determination to be given to the taxpayer addressed to his last known address or place of business. Such determination by the commissioner shall be for all purposes presumptive evidence of the taxpayer's design.

(b) Upon making such determination the commissioner shall immediately assess, insofar as not theretofore assessed, and shall collect, the tax and all penalties and interest provided for by law. It shall not be a defense to any assessment made under this section, or to any distraint or other proceedings for collection initiated under this section, that the taxable year or other tax period has not terminated, or that the time otherwise allowed by law for filing a return has not expired, or that the notices otherwise required by law for making an assessment have not been given, or that the time otherwise allowed by law for taking or prosecuting an appeal or for paying the tax has not expired.

(c) Nothing in this section shall prejudice the right of any taxpayer to have the moneys collected held apart or in a special fund pending the pursuit of any remedy the taxpayer may have for the recovery thereof, as otherwise provided by law.

(d) Notwithstanding the provisions of this section, the collection of the whole or any part of the tax may be stayed by filing with the commissioner a bond in such amount, and with such sureties as the commissioner deems necessary, together with such further security as the commissioner may from time to time require, conditioned for the payment of the amount collection of which is stayed at the time at which, but for this section, such amount would be due." [L. 1953, c. 125, s. 4.]

**SECTION 5. Section 5219** of chapter 95 of the Revised Laws of Hawaii 1945, as amended by Act 224 of the Session Laws of 1951, is hereby further amended by deleting from the eleventh and twenty-eighth lines of said section, as set forth on pages 134 and 135 of the Session Laws of 1951, the word "valuation", and by inserting in lieu thereof, in each of said lines, the word "amount". [L. 1932, 2d, c. 40, pt. of s. 64; R. L. 1935, pt. of s. 1958; R. L. 1945, s. 5219; am. L. 1951, c. 224, s. 2; am. L. 1953, c. 125, s. 5.]

SECTION 6. Chapter 97 of the Revised Laws of Hawaii 1945, relating to the bank excise tax, is hereby amended as follows:

(a) **Section 5307** thereof is hereby amended by changing the semicolon in the nineteenth line to a period, and by deleting the remainder of the sentence, ending with the words "a part of the tax", in line twenty-one of said section.

(b) Said **section 5307** is hereby further amended by deleting therefrom the last paragraph thereof, and by inserting in lieu thereof the following:

"Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1935, c. 131, s. 7; R. L. 1945, s. 5307; am. L. 1953, c. 125, pt. of s. 6.]

(c) **Section 5319** of said chapter is hereby amended by inserting a comma, after the figures "5138" in line two thereof, and by inserting after the comma the figures "5138.01". [L. 1935, c. 131, s. 19; am. L. 1943, c. 4; R. L. 1945, s. 5319; am. L. 1953, c. 125, pt. of s. 6.]

SECTION 7. Chapter 98 of the Revised Laws of Hawaii 1945, as amended, relating to the compensation and dividends tax, is hereby amended as follows:

(a) **Section 5355** thereof is hereby amended by deleting from the eighth line the figures "5517", and by inserting in lieu thereof the figures "5138.01". [L. 1933, c. 209, s. 14; R. L. 1935, Chap. IV, Appendix s. 14; am. L. 1939, c. 213, s. 15; am. L. 1941, c. 213, pt. of s. 1; R. L. 1945, s. 5355; am. L. 1953, c. 125, pt. of s. 7.]

(b) **Section 5356** is amended by deleting from lines seventeen to twenty thereof the words "and, in addition to the tax and as a part thereof when finally assessed, a penalty not to exceed twenty-five per centum of the amount of the tax may, in the discretion of the commissioner, be added to and become a part of the tax;" and by inserting in lieu thereof the following:

"with additions to the tax when and as provided by section 5138.01;" [L. 1933, c. 209, s. 15; R. L. 1935, Chap. IV, Appendix, s. 15; am. L. 1939, c. 252, pt. of s. 3; am. L. 1941, c. 213, pt. of s. 1; am. L. 1943, c. 4; R. L. 1945, s. 5356; am. L. 1953, c. 125; pt. of s. 7.]

SECTION 8. Chapter 99 of the Revised Laws of Hawaii 1945, relating to the consumption tax, is hereby amended as follows:

(a) **Section 5381**, as amended by Act 92 of the Session Laws of 1945, is further amended to read as follows:

"**Sec. 5381. Appeals.** Any person aggrieved by any

assessment of the tax for any month or any year may appeal from said assessment in the manner and within the time and in all other respects as provided in the case of income tax appeals by section 5535, **provided** the tax so assessed shall have been paid." [L. 1935, c. 160, s. 10; am. L. 1943, c. 164, pt. of s. 1; R. L. 1945, s. 5381; am. L. 1945, c. 92, s. 3; am. L. 1953, c. 125, pt. of s. 8.]

(b) Section 5383 thereof, as amended by Act 253 of the Session Laws of 1945, is amended to read as follows:

**"Sec. 5383. Penalties.** Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1935, c. 160, s. 12; R. L. 1945, s. 5383; am. L. 1945, c. 253, s. 1; am. L. 1953, c. 125, pt. of s. 8.]

SECTION 9. Chapter 100 of the Revised Laws of Hawaii 1945, as amended, relating to the fuel tax, is hereby amended as follows:

(a) **Section 5409**, as amended by Act 196 of the Session Laws of 1947 and Act 373 of the Session Laws of 1949, is hereby further amended by changing to a period the comma after the word "month" in line thirty-four on page 299 of the Session Laws of 1949, and by deleting the remainder of said section. [L. 1932, 1st, c. 19, s. 7; am. L. 1933, c. 133, s. 3; R. L. 1935, s. 2016; am. L. 1937, c. 189, s. 2; am. L. Sp. 1941, c. 26, pt. of s. 1; am. L. 1943, c. 4; R. L. 1945, s. 5409; am. L. 1947, c. 196, s. 4; am. L. 1949, c. 373, s. 3; am. L. 1953, c. 125, pt. of s. 9.]

(b) **Section 5411** of said chapter is hereby amended by inserting a comma in line eight of said section, after the word "month", by deleting the remainder of the first paragraph of said section, and by inserting in lieu thereof the following: "and shall proceed to collect the amount of the license tax with the penalties and interest added thereto pursuant to section 5138.01." [L. 1932, 1st, c. 19, s. 9; R. L. 1935, s. 2018; am. L. Sp. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5411; am. L. 1953, c. 125, pt. of s. 9.]

(c) **Section 5414** of said chapter is hereby amended by inserting therein, between the present second and third paragraphs, a new paragraph to read as follows:

"Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1932, 1st, c. 19, s. 13; R. L. 1935, s. 2022; am. L. Sp. 1941, c. 26, pt. of s. 1; am. L. 1943, c. 4; R. L. 1945, s. 5414; am. L. 1953, c. 125, pt. of s. 9.]

SECTION 10. Chapter 101 of the Revised Laws of Hawaii 1945, as amended, relating to the general excise tax, is hereby amended as follows:

(a) Section 5463, as amended by Act 253 of the Session Laws of 1945, is hereby further amended to read as follows:

**"Sec. 5463. Penalties.** Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1935, c. 141, pt. of s. 13; am. L. 1941, c. 265, s. 8; R. L. 1945, s. 5463; am. L. 1945, c. 253, s. 6; am. L. 1953, c. 125, pt. of s. 10.]

(b) **Section 5467** of said chapter, as amended by Acts 100 and 253 of the Session Laws of 1945 and Act 111 of the Session Laws of 1947, is hereby further amended by deleting from the twenty-first line of said section, as set forth on page 192 of the Session Laws of 1945, the words "be due and payable on the twenty-first day after the date", and by inserting in lieu thereof the following:

"be paid within twenty days after the date". [L. 1935, c. 141, s. 7 (1); am. L. 1941, c. 265, s. 5; R. L. 1945, s. 5467; am. L. 1945, c. 100, s. 4; am. L. 1945, c. 253, s. 9; am. L. 1947, c. 111, s. 10; am. L. 1953, c. 125, pt. of s. 10.]

(c) **Section 5468** of said chapter is hereby amended by deleting, following the comma in line eleven thereof, the remainder of the first paragraph of said section, and by inserting in lieu thereof the following:

"shall be accessible for the inspection of the public in the office of the assessor of the taxation division in which the person receiving the refund made his returns." [L. 1935, c. 141, pt. of s. 7; R. L. 1945, s. 5468; am. L. 1953, c. 125, pt. of s. 10.]

(d) **Section 5469** of said chapter is hereby amended to read as follows:

**"Sec. 5469. Failure to make return.** If any person shall fail, neglect or refuse to make a return, the commissioner may proceed as he deems best to obtain information on which to base the assessment of the tax. After procuring such information the commissioner shall proceed to assess the tax as provided in section 5467. Such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by the person assessed, and the burden of proof upon such appeal shall be upon the person assessed to disprove the correctness of the assessment." [L. 1935, c. 141, s. 8; am. L. 1941, c. 265, s. 6; R. L. 1945, s. 5469; am. L. 1953, c. 125, pt. of s. 10.]

(e) Section 5473 of said chapter, as amended by Act 92 of the Session Laws of 1945, is hereby further amended to read as follows:

**"Sec. 5473. Appeals.** Any person aggrieved by any assessment of the tax for any month or any year may appeal from said assessment in the manner and within the time and in all other respects as provided in the case of income tax appeals by section 5535, **provided** the tax so assessed shall have been paid." [L. 1935, c. 141, s. 1; am. L. 1937, c. 202, s. 1; R. L. 1945, s. 5473; am. L. 1945, c. 92, s. 4; am. L. 1953, c. 125, pt. of s. 10.]

SECTION 11. Chapter 102 of the Revised Laws of Hawaii 1945, as amended, relating to the net income tax, is hereby amended as follows:

(a) **Section 5515** of said chapter is hereby amended by deleting from line eleven of subsection (1) the figures "5531" and inserting in lieu thereof the figures "5138.02". [L. 1932, 2d, c. 44, pt. of s. 10; R. L. 1935, s. 2039; am. L. 1941, c. 165, s. 1; R. L. 1945, s. 5515; am. L. 1953, c. 125, pt. of s. 11.]

(b) Section 5517 of said chapter is hereby amended to read as follows:

**"Sec. 5517. Penalties.** Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1932, 2d, c. 44, pt. of s. 16; R. L. 1935, pt. of s. 2046; R. L. 1945, s. 5517; am. L. 1953, c. 125, pt. of s. 11.]

(c) **Section 5528** of said chapter is hereby amended by changing the heading of said section to read: "Procedure upon failure to file return.", and by deleting from lines nine to twelve thereof the words "and in addition to the tax and as a part thereof when finally assessed, a penalty not to exceed twenty-five per centum of the amount of the tax shall in the discretion of the commissioner be added to and become a part of the tax;"; and inserting in lieu thereof the following:

"to which shall be added the penalty and interest provided by section 5138.01;". [L. 1932, 2d, c. 44, pt. of s. 11; R. L. 1935, pt. of s. 2040; am. L. 1943, c. 4; R. L. 1945, s. 5528; am. L. 1953, c. 125, pt. of s. 11.]

(d) Section 5529 of said chapter is hereby amended to read as follows:

**"Sec. 5529. Fraud or negligence in making returns.** As provided in section 5517, section 5138.01 shall govern the penalties and interest to be added to and become

a part of the tax." [L. 1932, 2d, c. 44, pt. of s. 12; R. L. 1935, s. 2044; R. L. 1945, s. 5529; am. L. 1953, c. 125, pt. of s. 11.]

(e) **Section 5530** of said chapter is hereby amended by deleting from the tenth, eleventh, and twelfth lines of subsection (2) the words "shall be due and payable on the twenty-first day after the date the notice was mailed, properly addressed to the taxpayer at his last known address or place of business, unless an appeal has been taken.", and inserting in lieu thereof the following:

"shall be paid within twenty days after the date the notice was mailed, properly addressed to the taxpayer at his last known address or place of business." [L. 1932, 2d, c. 44, s. 13; R. L. 1935, s. 2042; R. L. 1945, s. 5530; am. L. 1953, c. 125, pt. of s. 11.]

(f) **Section 5531** of said chapter is hereby amended to read as follows:

**"Sec. 5531. Jeopardy assessments, etc.** The provisions of section 5138.02 shall apply to the taxes imposed by this chapter." [L. 1932, 2d, c. 44, pt. of s. 16; R. L. 1935, pt. of s. 2046; R. L. 1945, s. 5531; am. L. 1953, c. 125, pt. of s. 11.]

(g) **Section 5532** of said chapter is hereby amended to read as follows:

**"Sec. 5532. Security for payment.** The provisions of section 5138.02 shall apply to the taxes imposed by this chapter." [L. 1932, 2d, c. 44, pt. of s. 16; R. L. 1935, pt. of s. 2046; R. L. 1945, s. 5532; am. L. 1953, c. 125, pt. of s. 11.]

(h) **Section 5535** of said chapter, as amended by Act 92 of the Session Laws of 1945 and Act 224 of the Session Laws of 1951, is hereby further amended in the following respects:

(1) By amending the first paragraph of such section to read as follows:

**"Sec. 5535. Appeals.** Any person aggrieved by any assessment of the tax imposed by this chapter may appeal from said assessment in the manner and within the time hereinafter set forth. Said appeal may be made either to the divisional board of review or to the tax appeal court."

(2) By deleting from said section the last sentence of the last paragraph thereof, added by Act 92 of the Session Laws of 1945 and amended by Act 224 of the

Session Laws of 1951, and by inserting in lieu thereof the following:

"Except as otherwise **provided**, the manner of taking such appeal, the costs applicable thereto, and the hearing and disposition thereof, including the distribution of costs and of taxes paid pending the appeal, shall be as provided in chapter 95." [L. 1932, 2d, c. 44, s. 15; R. L. 1935, s. 2045; R. L. 1945, s. 5535; am. L. 1945, c. 92, s. 5; am. L. 1951, c. 224, s. 3; am. L. 1953, c. 125, pt. of s. 11.]

(i) Section 5536 of said chapter is hereby amended to read as follows:

**"Sec. 5536. Assessments, etc., prima facie proof.** The effect of the notices of assessments and records prepared by or under the authority of the commissioner shall be as set forth in sections 5127 and 5528." [L. 1932, 2d, c. 44, s. 18; R. L. 1935, s. 2047; R. L. 1945, s. 5536; am. L. 1953, c. 125, pt. of s. 11.]

SECTION 12. Section 5608 of chapter 104 of the Revised Laws of Hawaii 1945, relating to the liquor tax, as amended by Act 343 of the Session Laws of 1949, is hereby further amended to read as follows:

**"Sec. 5608. Payment of tax; penalties.** At the time of the filing of the return required under section 5607 and within the time prescribed therefor, each taxpayer shall pay to the commissioner the tax imposed by this chapter, required to be shown by such return.

Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1939, c. 222, s. 9; R. L. 1945, s. 5608; am. L. 1949, c. 343, s. 7; am. L. 1953, c. 125, s. 12.]

SECTION 13. Section 5756 of chapter 109 of the Revised Laws of Hawaii 1945, relating to the tobacco tax, is hereby amended to read as follows:

**"Sec. 5756. Payment of taxes; penalties.** At the time of the filing of the return required under section 5755 and within the time prescribed therefor, each licensee shall pay to the commissioner the tax imposed by this chapter, required to be shown by such return.

Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1939, c. 220, s. 7; R. L. 1945, s. 5756; am. L. 1953, c. 125, s. 13.]

SECTION 14. This Act shall take effect on July 1, 1953. (Approved May 21, 1953.) **H. B. 744, Act 125.**

## Series A-102: ACT 223

An Act Relating to the Reorganization of Certain Executive Departments of the Government; Transferring Certain Tax Functions to the Tax Commissioner; and Amending Chapter 103 and Sections 5104, 8487, 8488 and 8511 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All powers and duties relating to the administration of the territorial inheritance and estate taxes, heretofore vested in the treasurer, are hereby transferred to the tax commissioner.

SECTION 2. Paragraph 4 of **section 5104**, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"4. Collections: He shall be responsible for the acts of all tax collectors, assistant tax collectors and their assistants, for the collection of all taxes imposed by this title, except those which by law are to be collected by county treasurers, and for such other duties as are provided by law." [L. 1932, 2d, c. 40, ss. 18, 20, 57, 58; R. L. 1935, s. 1907; R. L. 1945, s. 5104; am. L. 1945, c. 79, s. 2; am. L. 1951, c. 133, s. 1; am. L. 1953, c. 223, s. 2.]

SECTION 3. The word "treasurer" appearing in sections **5552, 5566, 5567, 5569, 5573, 5574, 5576, 5577** to **5586**, inclusive, or elsewhere in chapter 103, except in section 5588, is hereby amended to read "tax commissioner" and the word "treasurer's", appearing in the title of **section 5576** is hereby amended to read "tax commissioner's".

SECTION 4. There is hereby added to the Revised Laws of Hawaii 1945 a new section 5593, to read as follows:

"**Sec. 5593. Disposition of revenues.** All moneys collected under the provisions of this chapter shall be territorial realizations, to be kept and accounted for as provided by law." [L. 1953, c. 223, s. 4.]

SECTION 5. The second paragraph of **section 8487**, Revised Laws of Hawaii 1945, is hereby amended in the following respects:

a. By substituting for the word "treasurer" appearing in lines 2 and 8 thereof, the words "tax commissioner"; and

b. By inserting, before the word "commissioner" appearing in lines 23 and 24 thereof, the word "insurance". [L. 1917, c. 115, s. 59; R. L. 1925, s. 3473; am. L. 1932, 2d, c. 46, s. 1; R. L. 1935, s. 6850; am. L. 1939, c. 263, s. 1 (x); am.



L. 1943, c. 4; R. L. 1945, s. 8487; am. L. 1945, c. 240, s. 1 (2); am. L. 1953, c. 223, s. 5.]

SECTION 6. **Section 8488**, Revised Laws of Hawaii 1945, is hereby amended by inserting, before the word "commissioner" appearing in lines 2 and 13 thereof, the word "insurance". [L. 1939, c. 263, s. 1 (y); R. L. 1945, s. 8488; am. L. 1953, c. 223, s. 6.]

SECTION 7. Subsection 4 of **section 8511**, Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

a. By inserting before the word "commissioner" appearing in lines 4 and 16 thereof, the word "insurance";

b. By inserting before the word "commissioner" appearing in line 14 thereof, the word "insurance";

c. By substituting for the word "treasurer" appearing in line 15 thereof the words "tax commissioner". [L. 1917, c. 115, s. 38; am. L. 1923, c. 230, s. 1; R. L. 1925, s. 3452; R. L. 1935, s. 6828; am. L. 1943, c. 200, s. 1; R. L. 1945, s. 8511; am. L. 1949, c. 369, s. 1; am. L. 1953, c. 223, s. 7.]

SECTION 8. On the effective date of this Act, all records of the treasurer necessary to enable the tax commissioner to administer the provisions of chapter 103 of the Revised Laws of Hawaii 1945, shall by the treasurer be transferred to the tax commissioner, together with all forms, supplies, reference works and equipment directly related to or chiefly for use in connection with the functions transferred to the tax commissioner by this Act. [L. 1953, c. 223, s. 8.]

SECTION 9. Notwithstanding that this Act transfers to the tax commissioner the administration of the territorial inheritance and estate taxes, section 5138.01 of the Revised Laws of Hawaii 1945, enacted by House Bill No. 744 [Act 125] of the regular session of 1953, shall not apply to said taxes. [L. 1953, c. 223, s. 9.]

SECTION 10. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, penalties, or other liabilities, or obligations, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under any laws hereby amended; and all such taxes, interest, penalties, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions (except as to the substitution, in proper cases, of

the tax commissioner and his subordinates in place of the treasurer and his subordinates), as if this Act had not been enacted; **provided**, further that in any actions or proceedings with respect to the tax imposed by chapter 103, pending when this Act takes effect, the tax commissioner automatically shall be substituted for the treasurer.

SECTION 11. This Act shall take effect on July 1, 1953.  
(Approved June 12, 1953.) S. B. 111, Act 223.

§ 5105. **Bonds and oaths.** Am. L. 1945, Act 79 [A-91]; Am. L. 1951, Act 133 [A-108].

§ 5107. **Compensation of assessing and collecting officers.** Am. L. 1945, Act 79 [A-91].

§ 5108. **Successors, powers, duties.** Am. L. 1945, Act 79 [A-91].

§ 5110.01. **Hearings and subpoenas.** NEW, L. 1945, Act 196 [A-92].

§ 5114. **Police to aid assessing or collecting officers.** Am. L. 1945, Act 79 [A-91].

§ 5122. **Rep. L. 1949, Act 176 [A-146].**

§ 5123.01. **Notices, how given.** Am. L. 1953, Act 125 [A-101], *supra*.

§ 5127. **Evidence, tax records as.** Am. L. 1953, Act 125 [A-101], *supra*.

§ 5130. **Refunds.** Am. L. 1949, Act 205 [A-147].

§ 5131. **Payment, enforcement of by assumpsit action or distress upon goods and chattels.** Am. L. 1949, Act 311 [A-148].

§ 5131.01. **Extra-territorial enforcement of tax laws.** NEW, L. 1949, Act 311 [A-148].

### Series A-103: ACT 67

An Act Relating to Taxation, Amending  
Chapter 94 of the Revised Laws of Hawaii 1945, in  
Respect of the Collection of Taxes.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5131.01** of chapter 94 of the Revised Laws of Hawaii 1945, added by Act 311 of the Session Laws of 1949, is hereby amended by inserting in the fifth line of the next to the last paragraph, being the seventh line on page 290 of the Session Laws of 1949, following the comma, the following:

"with or without assignment of such claims," [L. 1949, c. 311, s. 1a; am. L. 1953, c. 67, s. 1.]

SECTION 2. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section to be numbered 5132.01 and to read as follows:

"**Sec. 5132.01. Non-residents engaged in business, etc., service of process on, designation of agent for service of process.** Every non-resident individual who, jointly,

severally, or jointly and severally, is subject to a tax upon the gross or net income from, or sales of, an occupation, trade or business carried on in the Territory, in whole or in part, or upon the carrying on of such occupation, trade or business, or upon the use or keeping for use of property therein, shall file with the tax collector of the division in which such occupation, trade or business is carried on, the name and address of a person residing within the Territory upon whom process may be served, and in default of such designation, and if said non-resident individual cannot be found in the Territory, service of process in any action for the collection of such taxes may be made on any manager, superintendent, or other person in charge, employed in the carrying on of such occupation, trade or business, with like effect as if said person so served had been designated by the non-resident as his agent for such purpose; **provided**, that nothing herein shall preclude the service of process in any other manner provided by law;" [L. 1953, c. 67, s. 2.]

SECTION 3. For a period to expire on July 1, 1955, the tax commissioner hereby is authorized, in connection with claims requiring out-of-state collection, to use the services of a licensed collection agency in the Territory which is a member of a national collection association or bureau, and to make such agreement regarding the amount to be retained for services in collecting such claims as in his opinion is necessary and proper.

SECTION 4. This Act shall take effect on its approval. (Approved May 9, 1953.) **H. B. 727, Act 67.**

§ **5131.02. Partial payment of taxes.** NEW, L. 1949, Act 312 [A-149].

§ **5131.03. Tax clearance before procuring certain licenses or certificates.** NEW, L. 1949, Act 352 [A-150].

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### Series A-104: ACT 187

An Act Relating to Taxation, Amending Chapter 94 of the Revised Laws of Hawaii 1945, Authorizing that the Tax Commissioner of the Territory of Hawaii Be Made a Defendant in Certain Actions Involving Property on Which the Territory has or Claims a Tax Lien and Setting Forth to What Extent the Tax Commissioner May Be So Sued.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section to be numbered 5131.04 and to read as follows:

**"Sec. 5131.04. Joinder of tax commissioner as party defendant when Territory claims tax liens.** The tax commissioner may be named a party defendant in any civil action at law or in equity in any territorial court of competent jurisdiction or in the district court of the United States for the district of Hawaii, to quiet title to or for the foreclosure of a mortgage or other lien upon real or personal property on which the Territory has or claims a tax lien under any or all of the following chapters of the Revised Laws of Hawaii 1945: Chapters 97, 98, 99, 101, 102, 104, 106 and 109; **provided**, however, that the jurisdiction herein conferred shall be limited and shall not operate as a consent by the Territory to be sued as to its claim of title to or liens and encumbrances on real and personal property other than the liens aforementioned.

Service upon the tax commissioner shall be made by serving the process of the court and a copy of the complaint upon the tax commissioner or any deputy tax commissioner designated by the tax commissioner in writing, and by sending copies of the process and complaint by registered mail to the attorney general at Honolulu. In such actions the tax commissioner may appear and answer, demur or otherwise plead within the time allowed a defendant to so plead in the particular court, or within such further time as the court may allow. In any such action as herein contemplated, the tax commissioner may ask, by way of affirmative relief, for the foreclosure of the aforementioned territorial tax liens, but in the absence of such request for affirmative relief, upon any foreclosure sale the property shall be sold subject to the tax liens. **Provided**, that nothing in this section shall preclude the tax commissioner from asking for such other and further relief as might have been claimed by intervention in the action." [L. 1953, c. 187, s. 1.]

SECTION 2. This Act shall take effect on its approval.

(Approved June 5, 1953.) **H. B. 736, Act 187.**

§ 5133. **Records of delinquent taxes, uncollectible delinquent taxes.** Am. L. 1951, Act 133 [A-108].

§ 5137. **Neglect of duty, etc., misdemeanor.** Am. L. 1945, Act 79 [A-91].

§ 5138.01. **Additions to taxes, for non-compliance or evasion.** Am. L. 1953, Act 125 [A-101], supra.

§ 5138.02. **Jeopardy assessments, etc.** Am. L. 1953, Act 125 [A-101], supra.

§ 5140. **Time as of which levy and assessment made.** Am. L. 1945, Act 79 [A-91].

§ 5141. **Assessment of property; to whom in general.** Am. L. 1951, Act 151 [A-109].

§ 5145. **Maps.** Am. L. 1947, Act 8 [A-79].

§ 5146. **Valuations; considerations in fixing; buildings revalued yearly; records.** Am. L. 1945, Act 79 [A-91], rewritten p. 170; Am. L. 1951, Act 164 [A-110].

§ 5147. **Condition precedent to certain exemptions.** Am. L. 1949, Act 218 [A-151], rewritten p. 292; Am. Sp. L. 1949, Act 64 [A-18].

§ 5147.01. **Exemption of property for manufacture of cement.** NEW, L. 1945, Act 243 [A-93].

§ 5149. **Homes.** Am. Sp. L. 1949, Act 64 [A-18], rewritten pp. 40-49; Am. L. 1951, Act 133 [A-108], rewritten pp. 263-264.

### Series A-105: ACT 134

An Act Relating to Home Exemptions Under the Real Property Tax, Amending Section 5149 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5149** of the Revised Laws of Hawaii 1945 is hereby further amended in the following respects:

a. By changing the period at the end of paragraph (5) thereof to a semicolon;

b. By adding a new paragraph (6) thereto, to read:

“(6) That where two or more individuals in common own or lease land on which their homes are located, each home, if otherwise qualified for the exemption granted by this section, shall receive the exemption. If a portion of land held in common by two or more individuals is not qualified to receive an exemption, such disqualification shall not affect the eligibility for an exemption or exemptions of the remaining portion.” [L. 1896, c. 51, s. 34; am. L. 1920, c. 33, s. 1; am. L. 1921, c. 213, s. 1; R. L. 1925, s. 1331; am. L. 1925, c. 192, s. 9; am. L. 1932, 2d, c. 41, s. 4; R. L. 1935, s. 1974; am. L. 1935, c. 46, s. 1; R. L. 1945, s. 5149; am. L. 1951, c. 133, s. 4; am. L. 1953, c. 134, s. 1.]

SECTION 2. This Act shall take effect on January 1, 1954.  
(Approved May 27, 1953.) **S. B. 170, Act 134.**

**Series A-106: ACT 145**

An Act Relating to Home Exemptions  
Under the Real Property Tax, Amending Sections  
5149 and 5149.05 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5149** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By amending subsection 2(3) thereof to read as follows:

“That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, said deed shall have been recorded prior to January 15 of the year for which the exemption is claimed.”

(b) By amending the date “January 1”, appearing in lines 8 and 13 of the second paragraph of subsection (5) thereof to read “January 15”. [L. 1896, c. 51, s. 34; am. L. 1920, c. 33, s. 1; am. L. 1921, c. 213, s. 1; R. L. 1925, s. 1331; am. L. 1925, c. 192, s. 9; am. L. 1932, 2d, c. 41, s. 4; R. L. 1935, s. 1974; am. L. 1935, c. 46, s. 1; R. L. 1945, s. 5149; am. L. 1951, c. 133, s. 4; am. L. 1953, c. 145, s. 1.]

SECTION 2. **Section 5149.05** of the Revised Laws of Hawaii 1945 is hereby amended by amending the date “January 1”, appearing in the last paragraph thereof, to read “January 15”. [L. 1949, c. 189, s. 1; am. L. 1953, c. 145, s. 2.]

SECTION 3. This Act shall take effect on January 1, 1954, with respect to property taxes accruing on and after that date.

(Approved May 29, 1953.) **S. B. 403, Act 145.**

§ **5149.05. Homes of totally disabled veterans.** NEW, L. 1949, Act 189 [A-152].

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**Series A-107: ACT 141**

An Act to Amend Section 5149.05 of the  
Revised Laws of Hawaii 1945 to Provide for Tax  
Exemptions for Homes Owned By Totally Disabled  
Veterans and Spouses.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5149.05** of the Revised Laws of Hawaii 1945, is hereby amended by striking out the first paragraph thereof, and inserting in lieu thereof the following:

**"Sec. 5149.05. Homes of totally disabled veterans.** Real property owned and occupied as a home by any person who is totally disabled due to injuries received while on duty with the armed forces of the United States, or owned by any such person together with his or her spouse and occupied by either or both spouses as a home, or owned and occupied by a widow or widower of such totally disabled veteran who shall remain unmarried and who shall continue to own and occupy such premises as a home, is hereby exempted from all property taxes, other than special assessments; **provided, however:**" [L. 1949, c. 189, s. 1; am. L. 1953, c. 141, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953, with respect to property taxes accruing on and after January 1, 1954.

(Approved May 29, 1953.) **S. B. 59, Act 141.**

§ 5150A. **Blind.** NEW, L. 1947, Act 213 [A-86].

#### Series A-108: ACT 139

An Act to Amend Sections 5150-A, 5344, 5350, 5455-A, and 5509 of the Revised Laws of Hawaii 1945, As Amended, Relating to Exemption of Blind Persons From the Payment of Certain Taxes.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5150-A of the Revised Laws of Hawaii 1945, as enacted by Act 213 (Series A-86) of the Session Laws of 1947, is hereby amended to read as follows:

**"Sec. 5150-A. Exemption, persons with impaired sight.** Any person who has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, shall so long as his sight is so impaired, be exempt from real property taxes on all real property owned by him up to, but not exceeding, a taxable value of ten thousand dollars. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose." [L. 1947, c. 213, s. 6; am. L. 1953, c. 139, s. 1.]

SECTION 2. **Section 5344** of the Revised Laws of Hawaii 1945, as amended by Act 213 of the Session Laws of 1947, and Act 116 of the Session Laws of 1951, is hereby further amended by adding to subsection (d) the following two sentences:

"Within the meaning of this subsection a person shall be deemed to be blind if he has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, so long as his sight is so impaired. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose." [L. 1933, c. 209, s. 3 and L. 1935, c. 135, s. 3; R. L. 1935, Chap. IV, Appendix, s. 3; am. L. 1939, c. 238, s. 6; am. L. 1939, c. 241, s. 3; am. L. 1941, c. 213, pt. of s. 1; am. L. 1943, c. 100, pt. of s. 2; R. L. 1945, s. 5344; am. L. 1947, c. 213, s. 2; am. L. 1951, c. 116, s. 1; am. L. 1953, c. 139, s. 2.]

SECTION 3. Section 5350 of the Revised Laws of Hawaii 1945, as amended by Act 213 of the Session Laws of 1947 is hereby further amended by adding to the last paragraph two sentences to read as follows:

"Within the meaning of this paragraph a person shall be deemed to be blind if he has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, so long as his sight is so impaired. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose." [L. 1933, c. 209, s. 9; R. L. 1935, Chap. IV, Appendix, s. 9; am. L. 1939, c. 252, pt. of s. 3; am. L. 1941, c. 213, pt. of s. 1; am. L. 1943, c. 100, s. 2 (g); R. L. 1945, s. 5350; am. L. 1947, c. 213, s. 3; am. L. 1953, c. 139, s. 3.]

SECTION 4. Section 5455-A of the Revised Laws of Hawaii 1945, as enacted by Act 213 (Series A-86) of the Session Laws of 1947, is hereby amended to read as follows:

**"Sec. 5455-A. Exemption to person with impaired sight.** Anything in section 5455 to the contrary notwithstanding, the privilege tax levied, assessed, and collected on account of the business or other activities of individuals who have vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate them from self-support, shall not exceed one per cent of the proceeds, sales, income, or other receipts subject to tax. The impairment of sight shall be certified to by the



territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose." [L. 1947, c. 213, s. 8; am. L. 1953, c. 139, s. 4.]

SECTION 5. **Section 5509** of the Revised Laws of Hawaii 1945, as amended by Act 213 (Series A-86) of the Session Laws of 1947, is hereby further amended by amending paragraph (c) thereof to read as follows:

"(c) A person who has vision in the better eye of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him from self-support, shall be entitled to deduct an exemption of five thousand dollars, in lieu of the exemption provided by paragraphs (a) and (b) of this section. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose." [L. 1932, 2d, c. 44, pt. of s. 5; R. L. 1935, pt. of s. 2034; am. L. 1939, c. 213, s. 8; am. L. 1941, c. 119, s. 1; R. L. 1945, s. 5509; am. L. 1947, c. 213, s. 6; am. L. 1953, c. 139, s. 5.]

SECTION 6. This Act shall take effect January 1, 1954.

(Approved May 29, 1953.) H. B. 670, Act 139.

§ 5151. **Specific property exempt.** Am. L. 1945, Act 234 [A-94], exemption for veterans of Foreign Wars; Act 224 [A-95], for Iolani School; Act 221 [A-96], for Punahou School; Am. L. 1947, Act 149 [A-80], for Lutheran Church; Am. L. 1949, Act 385 [A-153]; Am. Sp. L. 1949, Act 50 [A-19]; Act 59 [A-20]; Am. L. 1951, Act 172 [A-111], American Legion Club 100 and 442nd Veterans' Club; Act 323 [A-112], Honpa Hongwanji Mission, Board of Home Missions and Church Extension of the Methodist Church, St. Roch's Church; for Kawaiahao Church. Am. L. 1953, Act 272 [B-158], *infra*.

§ 5154. **Public property, etc.** Am. L. 1945, Act 88 [A-97]; Am. L. 1951, Act 151 [A-109].

§ 5155.01. **Returns of ranch lands.** NEW, L. 1951, Act 133 [A-108].

§ 5166. **Remission of taxes on acquisition by government.** Am. L. 1951, Act 151 [A-109], rewritten pp. 269-270.

### Series A-109: ACT 88

An Act Relating to Taxation, Amending Chapters 94 and 102 of the Revised Laws of Hawaii 1945, in Respect of Property Damaged or Destroyed by Certain Disasters.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section to be numbered 5166.01 and to read as follows:

**“Sec. 5166.01. Remission of taxes in cases of certain disasters.** In any case of the damage or destruction of real property as the result of a tidal wave, earthquake, or volcanic eruption, or as the result of flood waters overflowing the banks or walls of a river or stream, the tax assessor and tax collector of the division in which such property is situated are authorized to remit taxes due on such property, to the extent and in the manner herein-after set forth, to wit:

(a) The tax assessor shall determine whether such property was wholly destroyed, or was partially destroyed or damaged, and in the latter event shall determine what percentage of the value of the whole property was destroyed or otherwise lost by reason of said disaster.

(b) If such property was wholly destroyed the amount remitted shall be such portion of the total tax on such property for the tax year in which such destruction occurred as shall constitute the portion of the tax year remaining after such destruction.

(c) If such property was partially destroyed or was damaged the percentage of the value destroyed or otherwise lost, determined as provided in subsection (a), shall be applied to the total tax on such property, and of the amount of tax so determined there shall be remitted such portion as shall constitute the portion of the tax year remaining after such partial destruction or damage.

(d) Application for a remission of taxes pursuant to this section shall be filed with the assessor on or before December 31 of the tax year involved, or within sixty days after the occurrence of the disaster, whichever is the later. Any amount of taxes authorized to be remitted by this section, which has been paid, shall be refunded upon proper application therefor out of real property tax collections of the county concerned, or the refundable amount may be credited against real property taxes of the proper county, due from the person applying for such refund.” [L. 1953, c. 88, s. 1.]

SECTION 2. Chapter 102 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section to be appropriately numbered and to read as follows:

**“Sec. [5508.01]. Losses from certain disasters.** Losses of property as the result of tidal wave, earthquake, or volcanic eruption, or as the result of flood waters overflowing the banks or walls of a river or stream, to the extent of the amount deductible under this chapter, not

compensated for by insurance or otherwise, may be deducted in the taxable year in which sustained, or at the option of the taxpayer may be deducted in equal installments over a period of five years, the first such year to be the calendar or fiscal year of the taxpayer in which such loss occurred." [L. 1953, c. 88, s. 2.]

SECTION 3. Section 1 of this Act shall apply to (a) the tax year 1953 and thereafter, and (b) the damages and destruction wrought by the lava flow in South Kona, Hawaii, in 1950, and by the tidal wave to Hilo, Hawaii, in November, 1952. Relative to those cases covered by the aforesaid item (b), the tax assessor shall allow until September 1, 1953, in which to apply for the relief allowable pursuant to section 1. Section 2 of this Act shall apply to all income taxes due January 1, 1954, or for a taxable year commencing in 1953, and thereafter. Subject to the foregoing, this Act shall take effect on its approval.

(Approved May 18, 1953.) H. B. 726, Act 88.

§ 5167. **Liens for taxes; co-owners' rights; foreclosure in equity; limitation.** Am. L. 1945, Act 220 [A-98].

§ 5168. **Liens for taxes; foreclosure without suit, notice, etc.** Am. L. 1951, Act 133 [A-108].

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## Chapter 95. APPEALS.

§ 5203. **Boards of review; duties, powers, procedure before.** Am. L. 1951, Act 133 [A-108].

§ 5217. **Costs; deposit for on appeal to tax appeal or supreme court.** Am. L. 1945, Act 92 [A-99].

§ 5218. **Costs, taxation.** Am. L. 1945, Act 92 [A-99].

§ 5219. **Taxes paid pending appeal.** Am. L. 1951, Act 224 [A-41]; Am. L. 1953, Act 125 [A-101], supra.

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## Chapter 96. BUDGETS.

§ 5251. **Definitions.** Am. L. 1947, Act 111 [A-81].

§ 5252. **Real property tax, determination of rate.** Am. L. 1945, Act 82 [A-87], Act 8 [E-220]; Am. L. 1947, Act 111 [A-81]; Am. L. 1951, Act 250 [A-113].

§ 5253. **Submission of budgets during years legislature meets.** Am. L. 1947, Act 111 [A-81].

§ 5254. **Property taxes, disposition of proceeds; county's share of general excise tax.** Am. L. 1945, Act 82 [A-87], Act 8 [E-220]; Am. L. 1947, Act 111 [A-81]; Am. Sp. L. 1949, Act 49 [A-21]; Am. L. 1951, Act 250 [A-113]; not to apply to general excise taxes, L. 1953, Act 279 [A-113], *infra*.

§ 5255-56. **Rep. L. 1947, Act 111 [A-81].**

§ 5257. **Special provisions, Hawaii.** Am. L. 1945, Act 31 [A-100]; Am. L. 1947, Act 111 [A-81].

§ 5258. **Special provisions, Honolulu.** Am. L. 1947, Act 111 [A-81].

§ 5259. **Rep. L. 1947, Act 212 [B-106].**

§ 5260. **Fuel tax, disposition of proceeds.** Am. L. 1945, Act 82 [A-87], Act 8 [E-220]; Am. L. 1947, Act 32 [A-75], Act 36 [A-82], Act 196 [A-83]; Am. L. 1951, Act 302 [A-120]. See L. 1951, Act 67 [F-325].

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### Series A-110: ACT 189

An Act to Amend Section 5260 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Territorial Highway Fund, and Providing for Expenditures from Said Fund for Legal Services.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5260** of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of 1945, Act 196 of the Session Laws of 1947, and Act 302 of the Session Laws of 1951, is hereby further amended by deleting from paragraph (2) of subsection (b) the word "provided" and the comma that follows it, and by inserting in lieu thereof the following:

"**provided**, that except with the approval of the attorney general no expenditure shall be made from said fund for legal services; **provided**, further,". [L. 1932, 1st, c. 19, s. 12; am. imp. L. 1932, 2d, c. 40, ss. 26, 71; am. L. 1933-4, c. 6; R. L. 1935, s. 2021; am. L. 1937, c. 172, s. 3; am. L. 1941, c. 212, s. 1; am. L. Sp. 1941, c. 26, pt. of s. 1; am. L. Sp. 1941, c. 49, s. 1; R. L. 1945, s. 5260; am. L. 1945, c. 82, s. 5, and c. 8, s. 2; am. L. 1947, c. 32, s. 5, and c. 36, s. 1, and c. 196, s. 1 (a); am. L. 1951, c. 67, s. 1 and c. 302, s. 2; am. L. 1953, c. 189, s. 1.]

SECTION 2. The attorney general is authorized to appoint and employ deputy attorneys general, additional to those covered by the appropriation for the attorney general's department, to provide legal services for the acquisition of rights of way and for proceedings therefor, and the compensation for such services shall be paid by the territorial highway department from the territorial highway fund.

SECTION 3. In the event the provisions of this Act or the application thereof to particular circumstances, prevents the Territory or any department from qualifying for the benefits of any Act of Congress making grants or allotments of federal aid moneys, the governor shall waive the provisions of this Act to the extent necessary to qualify for such benefits.

SECTION 4. This Act shall take effect on its approval.  
(Approved June 5, 1953.) **H. B. 886, Act 189.**

**Series A-111: ACT 175**

An Act Relating to Fuel Taxes on Fuel Sold  
for Use in Or Used for Certain Water Craft.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection (a) of **section 5260** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by changing the period at the end thereof to a semicolon and adding the following:

"and **provided**, further, that all taxes collected under chapter 100 with respect to liquid fuel sold for use in or used for small boats shall be set aside in the 'Small Boat Harbor Maintenance Fund' established by Act 239 Session Laws of Hawaii 1951. 'Small boat' as used herein means all vessels and other water craft except those operated in overseas transportation beyond the Territory and ocean-going tugs and dredges." [L. 1932, 1st, c. 19, s. 12; am. imp. L. 1932, 2d, c. 40, ss. 26, 71; am. L. 1933-4, c. 6; R. L. 1935, s. 2021; am. L. 1937, c. 172, s. 3; am. L. 1941, c. 212, s. 1; am. L. Sp. 1941, c. 26, pt. of s. 1; am. L. Sp. 1941, c. 49, s. 1; R. L. 1945, s. 5260; am. L. 1945, c. 82, s. 5, and c. 8, s. 2; am. L. 1947, c. 32, s. 5, and c. 36, s. 1, and c. 196, s. 1 (a); am. L. 1951, c. 67, s. 1 and c. 302, s. 2; am. L. 1953, c. 175, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953.  
(Approved June 3, 1953.) **S. B. 17, Act 175.**

**§ 5261. Territorial highway fund; disposition of certain income.**  
**NEW, L. 1951, Act 251 [A-114].**

**Series A-112: ACT 132**

An Act Relating to the Disposition of Funds  
Received from the Rental of Certain Government  
Property and Amending Act 251 of the Session Laws  
of Hawaii 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5261**, Revised Laws of Hawaii 1945, added by Act 251 of the Session Laws of 1951, is hereby amended in the following particulars:

(a) By inserting in said section 1 a new paragraph, between the first and second paragraphs thereof, to read as follows:

"The territorial highway engineer shall reimburse the commissioner of public lands, from the territorial highway fund, for all expenditures involved in the cost of col-

lection of said rental income and of the management and maintenance of said property." [L. 1951, c. 251, s. 1; am. L. 1953, c. 132, s. 1.]

SECTION 2. The territorial highway engineer shall reimburse the general fund of the Territory, from the territorial highway fund, in the sum of \$4,500, which sum was advanced from the governor's contingent fund to cover costs of collection of rentals for the fiscal year 1952-1953.

SECTION 3. This Act shall take effect upon approval.  
(Approved May 25, 1953.) **S. B. 634, Act 132.**

### Series A-113: ACT 279

An Act Relating to Exemption of Airlines  
From the Public Utility Tax and Providing That  
Other Taxes Shall Apply.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 5262**]. SECTION 1. [**Airlines exempt from public utilities tax.**] All airlines are hereby exempted from the payment of the public utilities tax; **provided**, however, that such airlines shall be subject to the payment of the general excise tax and the other taxes that apply to airlines and their properties in view of the exemption from public utilities tax. [L. 1953, c. 279, s. 1.]

SECTION 2. **Section 5254**, Revised Laws of Hawaii 1945, as amended, shall not apply to the general excise taxes collected from public utility airlines pursuant to this Act. [L. 1932, 2d, c. 40, s. 71; am. L. 1933, c. 100, s. 2; am. L. 1933, c. 203, s. 1; R. L. 1935, s. 1922; am. L. 1935, c. 191, s. 2; am. L. 1937, c. 172, s. 2; R. L. 1945, s. 5254; am. L. 1945, c. 8, s. 2, and c. 82, s. 4; am. L. 1947, c. 111, s. 3; am. L. 1951, c. 250, s. 2; am. L. 1953, c. 279, s. 2.]

SECTION 3. This Act shall take effect as of the first day of January, 1954.

(Approved June 16, 1953.) **S. B. 637, Act 279.**

### Series A-114: ACT 186

An Act Providing a Tax Exemption for the  
Production of Motion Picture and Television Films,  
and Defining the Extent of Such Exemption.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 5263**]. SECTION 1. [**Persons producing motion picture or television films except from taxation.**] For the

period of five years from and after January 1, 1953, persons producing motion picture or television films hereby are exempted from taxation on, and there shall be excluded from the measure of all territorial taxes imposed on such persons, the value of all materials imported into the Territory for incorporation into such production, and the value of such production unless sold in the Territory, but film rentals, advertising revenues, gross proceeds of sales and other receipts, derived from business of and sales made by such persons in this Territory, shall not be exempt and shall be included in the measure of the tax or taxes imposed on such persons. [L. 1953, c. 186, s. 1.]

SECTION 2. The tax exemptions allowed by section 1 likewise shall apply retroactively to the years preceding 1953, as to taxes other than those which, prior to the repeal thereof, were imposed by chapter 105 of the Revised Laws of Hawaii 1945.

SECTION 3. This Act shall take effect on its approval. (Approved June 5, 1953.) **H. B. 723, Act 186.**

#### Chapter 97. BANK EXCISE TAX.

§ 5307. **Failure to make return; additional tax; penalties.** Am. L. 1953, Act 125 [A-101], supra.

§ 5312. **When and to whom assessed; rate and restrictions.** Am. L. 1947, Act 114 [A-84]; Am. L. 1951, Act 258 [A-115].

§ 5319. **Provisions of other laws made applicable.** Am. L. 1953, Act 125 [A-101], supra.

#### Chapter 98. COMPENSATION AND DIVIDENDS TAX.

§ 5343. **Same; "dividends", "local company", "foreign company".** Am. L. 1945, Act 121 [A-101], p. 182 ('45 Tax Code, p. 53).

§ 5344. **Tax on compensation; exemptions.** Am. L. 1947, Act 213 [A-86]; Am. L. 1951, Act 116 [A-116]; Am. L. 1953, Act 139 [A-108], supra.

#### Series A-115: ACT 172

An Act Relating to the Compensation Subject to, and Exempt From, Taxes Imposed By Chapters 98 and 102 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5344** of chapter 98 of the Revised Laws of Hawaii 1945, as amended by Act 213 of the Session Laws of 1947 and Act 116 of the Session Laws of 1951 is hereby further amended by deleting from subsection (b), clause (3) thereof, which reads: "(3) paid to employees

of the Territory employed in the county of Kalawao," and inserting in lieu thereof the following:

"(3) paid to any patient affected with Hansen's disease employed by the Territory or the United States in any hospital, settlement, or place for the treatment of Hansen's disease," [L. 1933, c. 209, s. 3, and L. 1935, c. 135, s. 3; R. L. 1935, Chap. IV, Appendix, s. 3; am. L. 1939, c. 238, s. 6; am. L. 1939, c. 241, s. 3; am. L. 1941, c. 213, pt. of s. 1; am. L. 1943, c. 100, pt. of s. 2; R. L. 1945, s. 5344; am. L. 1947, c. 213, s. 2; am. L. 1951, c. 116, s. 1; am. L. 1953, c. 172, s. 1.]

SECTION 2. Section 5506 of chapter 102 of the Revised Laws of Hawaii 1945, as amended by Act 166 of the Session Laws of 1951, is hereby further amended by adding to paragraph (c) thereof the following:

"and compensation received from the Territory or the United States by any patient affected with Hansen's disease employed by the Territory or the United States in any hospital, settlement, or place for the treatment of Hansen's disease;" [L. 1932, 2d, c. 44, pt. of s. 4; R. L. 1935, pt. of s. 2033; am. L. 1935, c. 120, s. 2; am. L. 1939, c. 241, s. 1; am. L. 1941, c. 94, s. 1; R. L. 1945, s. 5506; am. L. 1951, c. 166, s. 3; am. L. 1953, c. 172, s. 2.]

SECTION 3. Section 1 of this Act shall apply to all compensation paid for or attributable to personal services performed on or after July 1, 1953, and section 5344 of chapter 98 of the Revised Laws of Hawaii 1945, as it read prior to the amendments made by section 1, shall apply to all compensation paid for or attributable to personal services performed prior to July 1, 1953. Section 2 of this Act shall apply to income taxes due January 1, 1954, or for a tax year commencing in 1953, and thereafter. Subject to the foregoing, this Act shall take effect on its approval.

(Approved June 2, 1953.) S. B. 359, Act 172.

§ 5345. **Employer to withhold and pay tax on compensation; penalty.** Am. L. 1951, Act 116 [A-116].

§ 5346. **Employer to file compensation tax return.** Am. L. 1951, Act 116 [A-116].

§ 5347. **Taxes withheld by employer held in trust; employer's liability.** Am. L. 1951, Act 116 [A-116].

§ 5349. **Individual to file return on earned income when.** Am. L. 1951, Act 116 [A-116].

§ 5350. **Tax on dividends.** Am. L. 1947, Act 213 [A-86]; Am. L. 1953, Act 139 [A-108], supra.

§ 5355. **Other provisions applicable.** Am. L. 1953, Act 125 [A-101], supra.

§ 5356. **Penalties.** Am. L. 1953, Act 125 [A-101], supra.



§ 5358. **Disposition of proceeds; refunds.** Am. L. 1945, Act 208 [A-102]; Am. L. 1949, Act 350 [A-138] and Act 205 [A-147].

§ 5360. **Lien on land.** NEW, L. 1951, Act 161 [A-122].

## Chapter 98.01. COMPENSATING TAX.

§§ 5370.01-.14. **Compensating tax law.** NEW, L. 1947, Act 113 [A-85].

### Series A-116; ACT 273

An Act to Amend Chapter 98.01 of the Revised Laws of Hawaii 1945, Enacted by Act 113 of the Session Laws of 1947, Relating to Compensating Tax.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 98.01 of the Revised Laws of Hawaii 1945, enacted by Act 113 of the Session Laws of 1947, is hereby amended in the following respects:

(A) **Section 5370.01** is amended in the following respects:

(1) By amending the fourth paragraph thereof to read as follows:

“‘Purchaser’ means any person purchasing property; **provided**, that the term ‘purchaser’ shall not include the Territory, its political subdivisions, or wholly owned agencies or instrumentalities of the Territory or a political subdivision; or the United States, its wholly owned agencies or instrumentalities; or any person immune from the tax imposed by this chapter under the constitution and laws of the United States.”

(2) By amending the ninth paragraph, by substituting a semicolon for the period appearing at the end of the first sentence thereof, and by adding the following:

“excepting, however, from this definition, a manufacturer’s representative whose functions are wholly promotional and to act as liaison between an unlicensed seller and a seller or sellers, and which do not include the procuring, soliciting or accepting of orders for property or the making of deliveries of property, or the collecting of payment for deliveries of property, or the keeping of books of account concerning property orders, deliveries or collections transpiring between an unlicensed seller and a seller or sellers.” [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(B) **Section 5370.02** is amended by amending the last paragraph thereof to read as follows:

“In all other cases, the provisions of chapter 99 shall govern.” [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(C) **Section 5370.03** is hereby renumbered 5370.04 and is amended to read as follows:

**"Sec. 5370.04. Collection of tax by seller, representative, or purchasing agent; when authorized.**

(a) The tax commissioner, in his discretion, upon application therefor and under terms and conditions prescribed by him, may authorize the collection of the tax imposed by this chapter by a representative, purchasing agent, or seller. Such person, when so authorized, shall have the duty of collecting and paying over the tax imposed by this chapter from the purchaser not later than the time of accrual of said tax, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the commissioner. Such authority may be cancelled at any time when, in the judgment of the commissioner, the tax can more effectively be collected by other means.

(b) In case any representative, purchasing agent, or seller authorized to collect the tax under this chapter fails to collect the same, or having collected the tax fails to pay over the same as provided by this chapter, whether such failure be the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless be personally liable to the Territory for the amount of such tax.

(c) Every representative, purchasing agent or seller authorized to collect the tax shall make returns and payments of the tax at the same time and in the same manner as is provided with respect to purchasers. All of the provisions of this chapter with respect to returns, reports, records, payments, penalties and interest, appeals, investigations and audits, assessments, tax collection procedure, criminal offenses, and the general administrative powers and duties of the tax commissioner, shall apply to such representatives, purchasing agents and sellers the same as to purchasers.

(d) The tax collected pursuant to this section shall be held in trust for the Territory and for the payment of the same to the proper collecting officer in the manner and at the time required by this chapter. Any person collecting such tax who shall appropriate or convert the same to his own use or to any use other than the payment of the tax as herein provided, and who shall fail to pay over the amount of tax so collected at the time required by this chapter, shall be deemed guilty of an embezzlement of property of the Territory and upon conviction thereof shall be punished at hard labor for a pe-

riod of not to exceed ten years or by fine not to exceed five times the amount of money so embezzled, and any failure by the person so collecting the tax to pay the same over within the time provided by this chapter, after demand therefor, shall be taken and held to be prima facie evidence of the embezzlement." [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(D) **Section 5370.04** is hereby renumbered 5370.03 and is further amended as follows:

(1) By deleting from the second line of said section the word "person" and inserting in lieu thereof the word "purchaser".

(2) By deleting from the twenty-fifth and thirty-second line of said section the words "required or".

(3) By deleting from the twenty-seventh line the figures "5370.03" and inserting in lieu thereof "5370.04". [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(E) Section 5370.05 is amended to read as follows:

**"Sec. 5370.05. Audits; penalties, additional assessment; refunds.** All of the provisions of sections 5467-5471 of chapter 101 are hereby made applicable to the taxes imposed by this chapter, to the refunding of overpayments thereof, and to penalties, interest, assessments, investigations and audits in connection therewith, for which purpose any references therein to 'gross income' or 'gross proceeds of sale' shall be deemed to refer to the purchase price subject to tax under this chapter, and any references to the 'annual return' shall, if the taxpayer is not required to file an annual return under this chapter, be deemed to refer to the monthly return mentioned in the first paragraph of section 5370.03." [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(F) **Section 5370.06** is amended by amending the first sentence thereof to read as follows:

"Any person aggrieved by any assessment of the tax for any month or any year may, **provided** the tax so assessed shall have been paid, appeal from said assessment in the manner and within the time and in all other respects as provided in the case of income tax appeals by section 5535, for which purpose the word 'income' shall be deemed to refer to purchase price." [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(G) Section 5370.08 is amended to read as follows:

**"Sec. 5370.08. Penalties.** Penalties and interest shall be added to and become a part of the tax, when and as provided by section 5138.01." [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

(H) Section 5370.12 is amended to read as follows:

**"Sec. 5370.12. Notification to purchaser.** Every representative and purchasing agent who receives, procures, induces, or assists in bringing about any order for the sale of property by an unlicensed seller for use in the Territory shall, before the property is ordered, inform the purchaser in writing of his liability under this chapter, unless he is authorized to collect, and already has collected, the tax from the purchaser. Any person who violates the provisions of this section shall be liable to a civil penalty of twice the amount of the tax in respect of such property, to be collected in the manner provided by paragraph (a) of section 5370.09, but neither the failure to give such notice nor the imposition of such penalty shall relieve the purchaser of the tax." [L. 1947, c. 113, pt. of s. 1; am. L. 1953, c. 273, pt. of s. 1.]

SECTION 2. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under the laws hereby amended; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

SECTION 3. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. This Act shall take effect on July 1, 1953.  
(Approved June 15, 1953.) **H. B. 708, Act 273.**

## Chapter 99. CONSUMPTION TAX.

§ 5371. **Definitions.** Am. L. 1951, Act 225 [A-117].

§ 5372. **Same; use, consumption defined.** Am. L. 1947, Act 113 [A-85]; Am. L. 1949, Act 234 [C-230]; Am. L. 1951, Act 225 [A-117].

**Series A-117: ACT 182**

An Act to Amend Chapter 99 of the Revised Laws of Hawaii 1945, Relating to the Consumption Tax, in Respect of the Exemptions from the Tax.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5372** of chapter 99 of the Revised Laws of Hawaii 1945, as amended by Act 113 of the Session Laws of 1947, Act 234 of the Session Laws of 1949, and Act 225 of the Session Laws of 1951, is hereby further amended by changing the period at the end of the second paragraph thereof to a semicolon and adding the following:

“(h) the use or keeping for use of household goods, personal effects and private automobiles imported into the Territory for non-business use by a person who (i) acquired them in another state, territory, district or country, (ii) at the time of such acquisition was a bona fide resident of another state, territory, district or country, (iii) acquired the same for use outside this Territory, and (iv) made actual and substantial use thereof outside this Territory; **provided**, that, as to an article acquired less than three months prior to the time of its importation into this Territory it shall be presumed, until and unless clearly proved to the contrary, that it was acquired for use in this Territory and that its use outside this Territory was not actual and substantial.” [L. 1935, c. 160, pt. of s. 1; R. L. 1945, s. 5372; am. L. 1947, c. 113, s. 2; am. L. 1949, c. 234, s. 2; am. L. 1951, c. 225, s. 2; am. L. 1953, c. 182, s. 1.]

SECTION 2. **Section 5375** of chapter 99 of the Revised Laws of Hawaii 1945, as amended by Act 113 of the Session Laws of 1947, is hereby amended by deleting therefrom the words “and without himself being liable in respect of said transaction under the compensating tax law,” which were added by said Act 113 of the Session Laws of 1947. [L. 1935, c. 160, s. 4; R. L. 1945, s. 5375; am. L. 1947, c. 113, s. 3; am. L. 1953, c. 182, s. 2.]

SECTION 3. **Section 5376** of chapter 99 of the Revised Laws of Hawaii 1945, as amended by Act 113 of the Session Laws of 1947, is hereby further amended in the following respects:

(a) Paragraph (4) is hereby amended by changing the comma following the words “general excise tax law” to a period, and by deleting the remaining five words of said paragraph.

(b) Paragraph (5) is amended to read as follows:

"(5) When a tax has been imposed under this chapter it shall not again be imposed upon or in respect of the same property under this chapter or chapter 98.01; **provided** that nothing in this chapter contained shall be construed to exempt any property or the use or consumption thereof from taxation under any other law of the Territory." [L. 1935, c. 160, s. 5; R. L. 1945, s. 5376, am. L. 1947, c. 113, s. 4; am. L. 1953, c. 182, s. 3.]

SECTION 4. This Act shall take effect on its approval. (Approved June 4, 1953.) **H. B. 735, Act 182.**

§ **5374. Rate of tax.** Am. **L. 1945**, Act 100 [A-103]; Am. **L. 1947**, Act 111 [A-81].

§§ **5375-76. Persons taxable, exemptions.** Am. **L. 1947**, Act 113 [A-85].

§ **5378. Returns.** Am. **L. 1951**, Act 225 [A-117].

§ **5379. Reports by importers and others.** Am. **L. 1947**, Act 113 [A-85].

§ **5379.01. Collection of tax by seller.** (Penalty.) Am. **L. 1951**, Act 225 [A-117].

§ **5381. Appeal; correction of assessment.** Am. **L. 1945**, Act 92 [A-99]; Am. **L. 1953**, Act 125 [A-101], *supra*.

§ **5383. Penalty.** Am. **L. 1945**, Act 253 [A-104]; Am. **L. 1953**, Act 125 [A-101], *supra*.

§ **5385. Lien on land.** Am. **L. 1951**, Act 161 [A-122].

§ **5387. Other provisions applicable.** Am. **L. 1951**, Act 225 [A-117].

## Chapter 100. FUEL TAX.

§ **5401. Definitions.** Am. **L. 1951**, Act 136 [A-118]; Am. **L. 1951**, Act 187 [A-119].

§ **5404. Distributors and others to pay certain license taxes.** Am. **L. 1947**, Act 196 [A-83]; Am. **L. 1949**, Act 360 [A-141]; Am. **L. 1951**, Act 187 [A-119], Act 302 [A-120]. See Act 67 [F-325].

### Series A-118: ACT 198

An Act Relating to Fuel Taxes and Distribution Thereof; Amending Section 5404, Revised Laws of Hawaii 1945, as Amended, Act 196, Session Laws of Hawaii 1947, as Amended, and Act 302, Session Laws of Hawaii 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5404**, Revised Laws of Hawaii 1945, as amended, is hereby further amended as follows:

(a) By amending the words, figures and punctuation "July 1, 1951, to June 30, 1953," appearing in subsection (3) of paragraph (a) thereof to read "July 1, 1953 to June 30, 1955,"; and

(b) By amending the words, figures and punctuation "July 1, 1951, to June 30, 1953," appearing in subsection (1) of paragraph (b) thereof to read "July 1, 1953 to June 30, 1955," [L. 1932, 1st, c. 19, s. 4; am. L. 1933, c. 133, s. 2; R. L. 1935, s. 2013; am. L. 1937, c. 189, s. 1; am. L. 1939, c. 254, s. 1; am. L. Sp. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5404; L. 1947, c. 196, s. 2; L. 1949, c. 360, s. 4; am. L. 1951, c. 187, s. 2 and c. 302, s. 1; am. L. 1953, c. 198, s. 1.]

SECTION 2. Section 5 of Act 302 (Ser. A-120), Session Laws of Hawaii 1951, is hereby further amended by deleting in its entirety the road projects therein listed under paragraphs "(a)" to "(z-3)", inclusive, and substituting in lieu thereof the following road projects:

### CITY OF HILO AND VICINITY

1. Resurfacing Kamehameha Avenue from Kilohana Street to airport entrance.

2. Resurfacing Kalaniana'ole Street from airport entrance to wharf junction.

3. Widening and reconstruction of Kaumana Drive from Pi'honua junction towards Ainako Avenue.

4. Widening and resurfacing Kekua'anoa Street from Mililani Street to Kano'elehua Street.

5. Resurfacing Mamo Street from Kamehameha Avenue to Kinoole Street.

6. Resurfacing Ponahawai Street from Kamehameha Avenue to Kapiolani Street.

7. Resurfacing Kalakaua Avenue from Kamehameha Avenue to Kinoole Street.

8. Resurfacing Wainaku Avenue from Wailuku Avenue to Kauwili Street

9. Resurfacing Wainaku Avenue from Kauwili Street to Kaiwiki Road.

10. Resurfacing Puu Hina Street from Kaumana Road to Waianuenue Avenue.

11. Surfacing center strip of Kilauea Avenue from Ohea Street to Haihai Street.

12. Widening and paving of Kinoole Street from Mohouli Street to Haihai Street.

13. Resurfacing Honomu Village Road.

14. Resurfacing old Mamalahoa Highway from junction with the new highway near Kalaniana'ole School towards Matsumura store.

15. Resurfacing Waianuenue Extension at Pi'honua from Kaahumanu Street to Akolea Road.

16. Widening and paving Piihonua Road from Akolea Road towards Piihonua School.

17. Resurfacing Shipman Street from Kamehameha Avenue to Keakaulike Street.

18. Widening and paving of road from junction of Kawaiiani Street towards Camp 8.

19. Surfacing and reconstruction of road at junction at Honomu towards Akaka Falls.

20. Resurfacing and widening Kukuau Street from Ululani to Kapiolani Street and from Kapiolani Street to the end of the street.

21. Resurfacing Piilani Street from Mililani Street to Kanoelehua Street.

22. Resurfacing Mililani Street from Kekuanaoa Street to Piilani Street.

23. Resurfacing old belt road at Hakalau from the post office to the new highway at the Chin Chuck Road junction.

23-A. Construction and paving of Kuawa Street from Kanoelehua Street towards Manono Street.

#### PUNA

24. Surfacing Kilauea Vacation Lots Road to end of Eight Street, 27 Miles. Olaa.

25. Widening and/or resurfacing Olaa-Pahoa Road.

26. Resurfacing Olaa Village Road.

#### KAU

27. Resurfacing Mamalahoa Highway from end of resurfacing at Naalehu School to resurfaced section near Honuapo (2.2 miles).

28. Resurfacing Mamalahoa Highway from Waiohinu to Naalehu.

28-A. Resurfacing of Wood Valley Road, Pahala, Kau.

#### NORTH AND SOUTH KONA

29. Widening, paving and resurfacing Keauhou-Kailua Beach Road from Keauhou Bay to Kailua, Hawaii.

30. Resurfacing Mamalahoa Highway (W.P.A. section), Captain Cook to Konawaena School and Kainaliu village.

31. Widening and paving Holualoa-Kailua Road from Holualoa junction to Old Mill Road.

32. Widening and paving Napoopoo Road from Captain Cook junction to old wharf.

33. Widening and paving main belt road from Honokahau towards Holualoa.



34. Resurfacing Palani Road from mauka junction towards Liliuokalani Estate boundary.

35. Resurfacing Mamalahoa Road from Kainaliu to Keauhou.

#### NORTH AND SOUTH KOHALA

36. Widening and paving Kohala Mountain Road.

37. Widening and paving main belt road from Kamuela towards Hamakua-South Kohala boundary.

38. Paving Keokea Park Road at Niulii.

#### HAMAKUA

39. Widening and paving Kukuiahaele Road from Honokaa towards Waipio Valley.

SECTION 3. This Act shall take effect on July 1, 1953.  
(Approved June 5, 1953.) **S. B. 94, Act 198.**

#### Series A-119: ACT 213

An Act Amending Section 5404 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Tax on Aviation Fuel.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5404** of the Revised Laws of Hawaii 1945, as amended, is hereby amended by amending subsection (2) of part (a) thereof to read as follows:

"(2) For each gallon of gasoline sold for use in or used for airplanes, three and one-half cents." [L. 1932, 1st, c. 19, s. 4; am. L. 1933, c. 133, s. 2; R. L. 1935, s. 2013; am. L. 1937, c. 189, s. 1; am. L. 1939, c. 254, s. 1; am. L. Sp. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5404; L. 1947, c. 196, s. 2; L. 1949, c. 360, s. 4; am. L. 1951, c. 187, s. 2 and c. 302, s. 1; am. L. 1953, c. 213, s. 1.]

SECTION 2. This Act shall take effect July 1, 1953.  
(Approved June 8, 1953.) **S. B. 537, Act 213.**

#### Series A-120: ACT 197

An Act Relating to the County of Kauai Special Fuel Tax and Disposition Thereof, Amending Section 5404 of the Revised Laws of Hawaii 1945, as Amended, and Act 196 of the Session Laws of Hawaii 1947, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5404** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the

date "June 30, 1953" appearing in subsection (a) (6) and subsection (b) (4) thereof to read "June 30, 1955". [L. 1932, 1st, c. 19, s. 4; am. L. 1933, c. 133, s. 2; R. L. 1935, s. 2013; am. L. 1937, c. 189, s. 1; am. L. 1939, c. 254, s. 1; am. L. Sp. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5404; am. L. 1947, c. 196, s. 2; am. L. 1949, c. 360, s. 4; am. L. 1951, c. 187, s. 2 and c. 302, s. 1; am. L. 1953, c. 197, s. 1.]

SECTION 2. Section 7 of Act 196 (Series A-83) of the Session Laws of Hawaii 1947, as amended, is hereby further amended by deleting the last sentence thereof, placing in lieu the following:

"Moneys in said fund shall be applied equally to two projects, one being the reconstruction and resurfacing of the road from Lawai to Koloa, Poipu Road from Kauai Mortuary to the junction of Poipu and Kukuiula Roads, thence to the Kauai Belt Road, and other being the construction and resurfacing of the Kokee Road; **provided**, however, that the county of Kauai is hereby authorized to expend up to \$10,000.00 of said fund during any calendar year for the purchase, repair and maintenance of road constructing machinery and equipment."

SECTION 3. This Act shall take effect on July 1, 1953. (Approved June 5, 1953.) **S. B. 54, Act 197.**

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### Series A-121: ACT 20

An Act Relating to the County of Maui Extra and Special Fuel Taxes, Providing for the Use of Such Taxes, and Amending Act 196, as Amended, of the Session Laws of Hawaii 1947, Act 373, as Amended, of the Session Laws of Hawaii 1949, and Sections 5404, 5408 and 5409, as Amended, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection (5) of part (a) and subsection (3) of part (b) of **section 5404**, as amended, of the Revised Laws of Hawaii 1945 are hereby further amended by substituting for the figures "1953" in the sixth line of said subsection (5) and in the fifth line of said subsection (3), the figures "1955". [L. 1932, 1st, c. 19, s. 4; am. L. 1933, c. 133, s. 2; R. L. 1935, s. 2013; am. L. 1937, c. 189, s. 1; am. L. 1939, c. 254, s. 1; am. L. Sp. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5404; am. L. 1947, c. 196, s. 2; am. L. 1949, c. 360, s. 4; am. L. 1951, c. 187, s. 2 and c. 302, s. 1; am. L. 1953, c. 20, s. 1.]

SECTION 2. Section 6 of Act 196, as amended, of the Session Laws of Hawaii 1947 is hereby further amended by amending the list of projects and the final paragraph thereof to read as follows:

- "1. For resurfacing of Waikapu Road;
2. For widening and resurfacing approach road to Kahului airport boundary from Sprecklesville;
3. For resurfacing that portion of Honoapiilani Highway from Kapunakea Street toward Honolulu for a distance of five miles;
4. For constructing and surfacing West Kuiaha Road from Libby Junction to Kaupakulua Road;
5. For resurfacing lower Kula Road (from lower Kula Road and Haleakala Highway junction to lower Kula Road and upper Kula Road junction);
6. For construction and surfacing of Hamoa Beach Road;
7. For construction and surfacing road from Kaupakulua School to Hana Belt Road.

Expenditures of said special tax moneys for said roads herein itemized shall be done entirely on force account and none but resident electors of the county of Maui shall be employed thereon." [L. 1947, c. 196, s. 6; am. L. 1953, c. 20, s. 2.]

SECTION 3. Act 373, as amended, of the Session Laws of Hawaii 1949 is hereby further amended to read as follows:

"Section 1. Notwithstanding the provisions of section 6 of Act 196 of the Session Laws of Hawaii 1947, or of section 3 of Act 302 of the Session Laws of Hawaii 1951, or any other law, the county of Maui extra tax and special tax which represents, or consists of taxes collected on account of: (a) liquid fuel sold or used on the island of Lanai, or on the island of Molokai, or elsewhere in the Territory for ultimate use on the island of Lanai, or on the island of Molokai and (b) diesel oil used for operating a motor vehicle or motor vehicles upon the public highways on the island of Lanai, or on the island of Molokai, shall be kept separate from the balance of said county of Maui extra tax and special tax by every public officer, and, when paid over to the treasurer of the county of Maui, shall be by him deposited in two special funds in the treasury of said county to be known respectively as the 'island of Lanai road fund' and the 'island of Molokai road fund'. The island of Lanai and the island of Molokai road funds respectively shall be expended only for the reconstruction, maintenance, im-

provement and repair of public roads and highways of the county of Maui on the islands of Lanai and Molokai respectively, including, without restriction to the foregoing purposes, costs of permanent storm drains under, along, or across such highways, of new bridges, and of repairs or additions to storm drains or bridges. Said road funds shall be expended for said purposes in addition to any appropriations made for any or all of the said purposes by any other law.

Any other law to the contrary notwithstanding, moneys collected from the extra tax provided for in this Act and deposited in said funds, in addition thereto, may also be expended for the payment of interest on and the redemption of any bonds that may now or hereafter be duly issued or sold under the provisions of chapter 117 of the Revised Laws of Hawaii 1945, as amended, for the financing or aiding in financing the construction of main highways on the islands of Lanai and Molokai respectively, within the county of Maui. Such payments of interest and principal on such bonds, when due, shall be first charges on such moneys so deposited in said funds."

SECTION 4. The moneys in the island of Lanai road fund shall be expended in the discretion of the board of supervisors, either upon contracts let in the manner required by law or may be expended for work entirely on force account by resident electors of the county of Maui.

SECTION 5. The moneys in the island of Molokai road fund shall be expended only for the following projects and in the following order of priority and no money shall be expended from said fund except in the order of priority and in the manner designated in the schedule hereinafter set forth:

1. East Molokai road from Kam Chee store toward Kaunakakai (approximately one mile);
2. East Molokai road from Waialua until it joins that portion of the road already constructed, the construction to commence at the east boundary of the Protestant Meeting Hall or Church at Waialua and to be carried thence toward Kaunakakai;
3. Resurfacing and widening of Farrington Avenue;
4. Resurfacing of Kualapuu Road.

None of the above projects shall be commenced until ten thousand dollars shall be available in said road fund for the specific project to be undertaken. The work upon all of said projects shall be done on force account and

none but resident electors of the county of Maui shall be employed thereon.

SECTION 6. Section 5408, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended to read as follows:

**"Sec. 5408. Distributors, etc., to keep records.** (1) Every distributor shall keep in the Territory and preserve for three years a record in such form as the commissioner shall prescribe, showing (a) the total number of gallons of fuel refined, manufactured, produced, or compounded by such distributor and sold or used by him within each county and on the island of Lanai and on the island of Molokai during each month of the calendar year, and if for ultimate use in another county or on the island of Lanai or on the island of Molokai the name of that county or island; (b) the total number of gallons of such fuel imported by such distributor, or acquired by him from persons not licensed distributors, and sold or used by him in each county and on the island of Lanai and on the island of Molokai during each month, and if for ultimate use in another county or on the island of Lanai, or the island of Molokai the name of that county or island; (c) the total number of gallons of such fuel sold to the United States or any department or agency thereof or to any other person or entity, or used in any manner, in each county and on the island of Lanai and on the island of Molokai during each month, the effect of which sale or use is to exempt the fuel so sold or used from the imposition of the tax provided for by this chapter; and (d) such other data and figures relevant to the enforcement and administration of the provisions of this chapter as the commissioner may require." [L. 1932, 1st, c. 19, s. 6; R. L. 1935, s. 2015; am. L. Sp. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5408; am. L. 1947, c. 196, s. 3; am. L. 1949, c. 373, s. 2; am. L. 1953, c. 20, s. 6.]

SECTION 7. Section 5409, as amended, of said Revised Laws is hereby further amended to read as follows:

**"Sec. 5409. Statements and payments, when and how made; delinquent when; penalties.** Each distributor and each person subject to the provisions of subsection (b) of section 5404 or subsection (2) of section 5408, shall, within thirty days after the last day of each calendar month, file with the commissioner on forms prescribed, prepared and furnished by him, a statement, authenticated as provided in section 5123, showing separately (a)

the total number of gallons of fuel refined, manufactured or compounded by such distributor or person within the Territory and sold or used during such month by him within each county and on the island of Lanai, and on the island of Molokai, and if for ultimate use in another county or on the island of Lanai, or on the island of Molokai, the name of that county or island; (b) the total number of gallons of fuel imported by him or sold or used within each county and on the island of Lanai and on the island of Molokai, by him during such month, and if for ultimate use in another county or on the island of Lanai, or on the island of Molokai, the name of that county or island; (c) the total number of gallons of fuel acquired by him during such month from persons not subject to the four or six cents tax on such transaction, as the case may be, and sold or used within each county and on the island of Lanai and on the island of Molokai by him during such month, and if for ultimate use in another county or on the island of Lanai or on the island of Molokai, respectively, the name of that county or island; (d) the total number of gallons of such fuel by him sold to the United States or any department or agency thereof or to any other person or entity, or used in any manner, in each county and on the island of Lanai and on the island of Molokai, respectively, during such month, the effect of which sale or use is to exempt the fuel so sold or used from the imposition of the tax provided for by this chapter; (e) the total number of gallons of fuel on hand in his possession in all of the counties and on the island of Lanai and on the island of Molokai at the beginning of the month, the total number of gallons thereof by him refined, manufactured, produced, compounded or acquired from persons not subject to the four or six cents tax on such transaction, as the case may be, or imported during the month, and the total number of gallons thereof on hand in his possession at the end of the month; and (f) such additional information relative to the acquisition, purchase, manufacture or importation into the Territory, and the sale, use or other disposition, of diesel oil by such distributor or person during such month, as the commissioner shall by regulation prescribe; and such distributor or person shall pay at the time of submitting such report to the commissioner, the tax on each gallon of fuel (including diesel oil) by him sold or used in each county and on the island of Lanai and on the island of Molokai during such preceding month, as shown by such statement and required by this chapter;

provided, however, (1) that such tax shall not apply to any fuel exempted and so long as the same is exempted from the imposition of the tax by the Constitution or laws of the United States; and (2) that the tax shall be paid only once upon the same fuel. All such taxes payable for any month shall be and become delinquent after the expiration of thirty days immediately following the end of the month, and shall thereupon bear a penalty of ten per centum of the amount so delinquent, and in addition thereto, interest on such delinquent amount at the rate of two-thirds of one per centum per month or any fraction thereof until paid." [L. 1932, 1st, c. 19, s. 7; am. L. 1933, c. 133, s. 3; R. L. 1935, s. 2016; am. L. 1937, c. 189, s. 2; am. L. Sp. 1941, c. 26, pt. of s. 1; am. L. 1943, c. 4; R. L. 1945, s. 5409; am. L. 1947, c. 196, s. 4; am. L. 1949, c. 373, s. 3; am. L. 1953, c. 20, s. 7.]

SECTION 8. This Act shall take effect on July 1, 1953. (Approved April 21, 1953.) **S. B. 236, Act 20.**

§ 5405. **Tax not applicable when.** Am. L. 1951, Act 136 [A-118].

§ 5408. **Distributors, etc., to keep records.** Am. L. 1947, Act 196 [A-83]; Am. L. 1949, Act 373 [A-154].

§ 5409. **Statements and payments, when and how made; delinquent when; penalties.** Am. L. 1947, Act 196 [A-83]; Am. L. 1949, Act 373 [A-154]; Am. L. 1953, Act 125 [A-101], supra.

§ 5411. **Procedure upon failure to file statement; penalties.** Am. L. 1953, Act 125 [A-101], supra.

§ 5414. **Penalties.** Am. L. 1953, Act 125 [A-101], supra.

## Chapter 101. GENERAL EXCISE TAX (Gross Income).

§ 5442. **Definitions, generally.** Am. L. 1947, Act 113 [A-85].

§ 5444.01. **Exemption of gross income from cement manufactured in the Territory.** NEW, L. 1945, Act 243 [A-93].

§ 5449. **'Service business or calling', defined.** Am. L. 1951, Act 165 [A-121].

§ 5451. **Licenses; penalty.** Am. L. 1951, Act 165 [A-121].

§ 5451.01. **Renewal of licenses.** Am. L. 1951, Act 165 [A-121].

§ 5454. **Rep. L. 1945, Act 100 [A-103].**

§ 5455. **Imposition of tax.** Am. L. 1945, Act 100 [A-103], Act 253 [A-104]; L. 1947, Act 111 [A-81], Act 113 [A-85].

## Series A-122: ACT 183

An Act Relating to Taxation, Amending Act 284 of the Session Laws of Hawaii 1951 and Section 5455 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 284 of the Session Laws of Hawaii 1951 is hereby amended by adding thereto two new subsections to read as follows:

“(c) Nothing in this section shall be deemed to exempt any person engaging or continuing in a service business or calling from any part of the tax imposed upon him for such activity even though he furnishes tangible personal property in conjunction therewith and separately bills or otherwise shows the amount of the gross income of such business derived from the furnishing of such property.

(d) Millers or processors of sugar, and canners of pineapple and pineapple juice, shall be exempt from tax only when such products are sold, as provided in subsection (a), for use and consumption in the Territory. Such manufacturers, claiming tax exemption for such products, shall furnish the tax commissioner certificates of the purchasers, in the form prescribed by the tax commissioner, certifying that such products have been purchased for use and consumption in the Territory. As to sugar, pineapple, and pineapple juice, milled, processed or canned in the Territory and sold as provided in subsection (a) but not for use and consumption in the Territory, the miller, processor, or canner shall be subject to the tax imposed upon him, as a manufacturer, by subsection A of section 5455 of chapter 101 of the Revised Laws of Hawaii 1945.”

**SECTION 2.** Section 2 of Act 284 of the Session Laws of Hawaii 1951 is hereby amended to read as follows:

“Sec. 2. This Act shall terminate and cease to be effective on and after July 1, 1954, unless the governor, on or before July 1, 1954, shall find and declare, by proclamation duly promulgated, that the loss of revenues through the exemptions granted by this Act does not substantially affect the financial condition of the territorial government, in which event this Act shall remain in effect until July 1, 1955.”

**SECTION 3.** Paragraph (3) of subsection A of **section 5455** of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“(3) If any person liable for the tax on manufacturers shall ship or transport his products, or any part thereof, out of this Territory, whether in a finished or unfinished condition, or shall sell the same for shipment or transportation out of this Territory, the value of the products in the condition or form in which they exist immediately before entering interstate or foreign commerce shall be the basis for the assessment of the tax imposed in this section. Such value shall not exceed the price at which



such products are sold or offered for sale by the manufacturer, less all transportation, selling and distribution expenses of the manufacturer incurred or reasonably required to be incurred with respect thereto and a reasonable allowance for contingencies and for normal return attributable to the marketing of such products. The commissioner shall prescribe equitable and uniform rules of ascertaining such value; and the tax imposed on manufacturers shall be due and payable as of the date of such entry into interstate or foreign commerce, whether said products have been sold or not." [L. 1935, c. 141, s. 2I; am. L. 1939, c. 252, ss. 1, 2; am. L. 1943, c. 81, pt. of s. 1; L. 1945, s. 5455; am. L. 1945, c. 253, s. 2; c. 100, s. 3; am. L. 1947, c. 113, s. 7; c. 111, s. 9; c. 213, s. 8; am. L. 1951, c. 165, s. 4; am. L. 1953, c. 183, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 4, 1953.) H. B. 232, Act 183.

§ 5455-A. **Exemption as to person with impaired sight.** NEW, L. 1947, Act 213 [A-86]; Am. L. 1953, Act 139 [A-108], supra.

§ 5455.02. **Coin operated devices.** NEW, L. 1949, Act 252 [A-155]; Am. L. 1951, Act 165 [A-121].

### Series A-123: ACT 68

An Act Relating to Taxation, Amending  
Sections 5455.02 and 5476.01 of Chapter 101, Revised  
Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5455.02** of chapter 101 of the Revised Laws of Hawaii 1945, added by Act 252 of the Session Laws of 1949 and amended by Act 165 of the Session Laws of 1951, is hereby further amended as follows:

(1) By amending paragraph (c) thereof, by deleting from the seventh line of said paragraph the words "this subsection" and inserting in lieu thereof "subsection E of section 5455".

(2) By amending paragraph (d) thereof, by deleting from the second and sixth lines of said paragraph the words "this subsection", and inserting in lieu thereof, in each of said lines the words "subsection E of section 5455".

(3) By amending paragraph (e) thereof, by deleting the words "this subsection", which appear in the seventh and eighth lines of said paragraph, and inserting in lieu thereof "subsection E of section 5455". [1949, c. 252, s. 1; am. L. 1951, c. 165, s. 4 (1); am. L. 1953, c. 68, s. 1.]

SECTION 2. **Section 5476.01** of chapter 101 of the Revised Laws of Hawaii 1945, added by Act 165 of the Session Laws of 1951, is hereby amended as follows:

(1) By inserting in subsection (a) thereof a new paragraph, to be inserted between lines three and four on page 296 of the Session Laws of 1951, and to read as follows:

"The term 'cabaret' means any roof garden, cabaret, or other similar place furnishing a public performance, by or for any patron or guest who is entitled to be present during any portion of such performance, including any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise."

(2) By deleting from the tenth line of subsection (b) thereof the words "transient performer or transient merchant" and inserting in lieu thereof the words "transient taxpayer".

(3) By adding to said **section 5476.01** a new subsection to read as follows:

"(d) Whenever a transient taxpayer is engaged in business at any place for which admissions are charged, or at any cabaret whether or not admissions are charged, the person engaging such transient taxpayer shall collect from him, by withholding or otherwise, the tax levied by this chapter on said transient taxpayer, shall hold the same in trust for the Territory, and shall return and pay over the same to the proper collecting officer of the Territory in the manner and at the time required by this chapter, for the account of said transient taxpayer; in the event of his failure to do so he shall be liable to pay to the Territory the amount of the tax levied by this chapter on said transient taxpayer, together with penalties and interest as provided by law. The amount of such liability may be collected from the guarantee fund, if any, or may be assessed against and collected from the person so becoming liable in the same manner as if the tax had been levied upon him." [L. 1951, c. 165, s. 6; am. L. 1953, c. 68, s. 2.]

SECTION 3. Section 1 of this Act shall take effect upon its approval. Section 2 of this Act shall take effect one month after its approval.

(Approved May 9, 1953.) **H. B. 724, Act 68.**

§ 5459. **Exemptions, persons exempt, applications for exemption.** Am. L. 1945, Act 253 [A-104], Act 158 [A-105]; am. L. 1949, Act 234 [C-230].

§ 5460. **Exemptions of gross income.** Am. L. 1945, Act 253 [A-104]; am. L. 1947, Act 213 [A-86]; Am. L. 1949, Act 343 [A-157].

## Series A-124: ACT 229

An Act Relating to Taxation, Amending Section 5460 of Chapter 101 of the Revised Laws of Hawaii 1945, Relating to Exemptions from the General Excise Tax.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5460** of chapter 101 of the Revised Laws of Hawaii 1945, as amended by Act 253 of the Session Laws of 1945, Act 212 of the Session Laws of 1947, and Act 343 of the Session Laws of 1949, is hereby further amended by changing the period at the end thereof to a semicolon and adding the following provision, which shall be given an appropriate letter designation:

“(n) amounts received by a producer of sugar cane from the manufacturer to whom he sells such sugar cane, where (1) such producer is an independent cane farmer, so classed by the Secretary of Agriculture under the Sugar Act of 1948 (61 Stat. 922, Chapter 519) as the same may be amended or supplemented, and (2) the value of the sugar, and other products manufactured from such sugar cane, is included in the measure of the tax levied on said manufacturer under subsection A of section 5455, and (3) the producer's gross proceeds of sales are dependent upon the actual value of the products manufactured therefrom or the average value of all similar products manufactured by said manufacturer, and (4) the producer's gross proceeds of sales are reduced by reason of the tax on the value of the manufactured products.” [L. 1935, c. 141, s. 4 (2); am. L. 1939, c. 47, s. 1; am. L. 1943, c. 81, s. 2; R. L. 1945, s. 5460; am. L. 1945, c. 253, s. 4; am. L. 1947, c. 213, s. 1; am. L. 1949, c. 343, s. 11; am. L. 1953, c. 229, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953. (Approved June 12, 1953.) **H. B. 1049, Act 229.**

## Series 125: ACT 274

An Act Relating to Taxation; Exempting Manufacturing and Processing of Cellophane and Glassine Prints and Grocery and Notion Bags From Specified Taxes for a Period of Five Years; and Providing an Exemption for Refiners of Petroleum Products in Certain Instances.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 5461.01]. SECTION 1. [Certain manufacturers exempt.] For a period of five years from and including January 1, 1953, manufacturers and processors of cellophane and glassine prints and grocery and notion bags shall be exempt from all taxes imposed under chapters 101 and 102 of the Revised Laws of Hawaii 1945, and during the same period property used in the manufacture and processing of such cellophane and glassine prints and grocery and notion bags shall be exempt from tax imposed by chapter 94. [L. 1953, c. 274, s. 1.]

[Sec. 5461.02]. SECTION 2. [Exemptions.] The tax exemptions allowed by section 1 shall apply retroactively to the first day of January, 1953. [L. 1953, c. 274, s. 2.]

[Sec. 5461.03]. SECTION 3. [Definitions.] (a). As used in this section:

(1) "Petroleum products" shall mean and include petroleum, any distillate, fraction or derivative of petroleum, natural gas or its components, gas manufactured from a petroleum product and any product derived from such gas or from the manufacture thereof, such as benzene, xylene, toluene, acetylene, tars, components of tars and ammonia.

(2) "Refiner" shall mean and include any person who, in the Territory of Hawaii, engages in the business of refining petroleum products and is taxable under chapter 101 of the Revised Laws of Hawaii 1945, upon the value or gross proceeds of sales of the petroleum products resultant from such business; a person who is engaged in business as a refiner and also in other business shall be deemed a refiner only in respect of the business that produces the products included in the measure of the tax imposed by said chapter 101.

(3) "Refining" shall mean and include: (A) any process performed by a refiner that includes as a part thereof a change in the character or properties of a petroleum product through the application of heat, or (B) the compounding by a refiner of a petroleum product with a product that has been refined by him by the process stated in clause (A).

(b) There shall be excluded from the measure of the tax on a refiner such part of the petroleum products resultant from his business as is to be further refined by another refiner, to the extent that the petroleum products resultant from such further refining will be (or but for the provisions of this paragraph would be) included in the measure of the tax on such other refiner, and where petroleum products are to be used partly for such refining and partly for other purposes, the proportion used for each purpose shall be determined upon the basis of weight or BTU content.

(c) Notwithstanding any other provision of this Act, this section shall take effect on July 1, 1953. [L. 1953, c. 274, s. 3.]

SECTION 4. This Act shall take effect upon its approval. (Approved June 15, 1953.) H. B. 859, Act 274.

§ 5461. **Monthly return, computation of tax, payment.** Am. L. 1945, Act 253 [A-104]; Am. L. 1951, Act 165 [A-121].

§ 5463. **Penalty for delinquency.** Am. L. 1945, Act 253 [A-104]; Am. L. 1953, Act 125 [A-101], supra.

§ 5464. **Annual return, payment of tax.** Am. L. 1945, Act 253 [A-104].

§ 5465. **Filing of returns; inspection.** Am. L. 1945, Act 253 [A-104].

§ 5467. **Erroneous returns, disallowance of exemption, payment.** Am. L. 1945, Act 253 [A-104]; Act 100 [A-103]; Am. L. 1947, Act 111 [A-81]; Am. L. 1953, Act 125 [A-101], supra.

§ 5468. **Refunds and credits.** Am. L. 1953, Act 125 [A-101], supra.

§ 5469. **Failure to make return.** Am. L. 1953, Act 125 [A-101], supra.

§ 5472. **Records to be kept; examination; penalties.** Am. L. 1945, Act 253 [A-104].

§ 5473. **Appeal; correction of assessment.** Am. L. 1945, Act 92 [A-99]; Am. L. 1953, Act 125 [A-101], supra.

§ 5474. **Tax debt due Territory; lien on property used in business.** Am. L. 1945, Act 220 [A-98].

§ 5475. **Lien on land.** Am. L. 1951, Act 161 [A-122].

§ 5476.01. **Entertainment business.** NEW, L. 1951, Act 165 [A-121]; Am. L. 1953, Act 68 [A-123], supra.

§ 5478. **Collection by suit; injunction.** Am. L. 1951, Act 165 [A-121].

§ 5542. **Lien on land.** Am. L. 1951, Act 161 [A-122].

## Chapter 102. INCOME TAX.

§ 5501. **Definitions.** Am. L. 1951, Act 166 [A-123].

§ 5502. **Tax on corporations, exceptions.** Am. L. 1945, Act 124 [A-106], rewritten pp. 195-6; Am. L. 1947, Act 111 [A-81]; Am. L. 1951, Act 166 [A-123].

§ 5503. **Tax on individuals.** Am. L. 1947, Act 111 [A-81].

§ 5503.01. **Tax in case of joint return.** NEW, L. 1949, Act 243 [A-156].

§ 5506. **Exclusions from gross income.** Am. L. 1951, Act 166 [A-123].

### Series A-126: ACT 169

An Act Relating to Deductions and Exemptions for Income Tax Purposes, Amending Sections 5506 and 5508 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5506 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting

therein, between paragraphs (g) and (h), a new paragraph to read as follows:

“(g-1) Compensation received in the form of a pension for past services;” [L. 1932, 2d, c. 44, pt. of s. 4; R. L. 1935, pt. of s. 2033; am. L. 1935, c. 120, s. 2; am. L. 1939, c. 241, s. 1; am. L. 1941, c. 94, s. 1; R. L. 1945, s. 5506; am. L. 1951, c. 166, s. 3; am. L. 1953, c. 169, s. 1.]

SECTION 2. **Section 5508** of the Revised Laws of Hawaii 1945, as amended by Acts 132 and 150 of the Session Laws of Hawaii 1947, Act 243 of the Session Laws of Hawaii 1949, and Act 166 of the Session Laws of Hawaii 1951, is hereby further amended by amending the first paragraph of subsection (j) thereof, preceding the colon, so as to read as follows:

“(j) Taxes, etc. All taxes, license fees, and other governmental impositions levied or assessed by the Territory or any political subdivision thereof or by the United States and, within the taxable year, paid or accrued by the taxpayer, or by any person who for a period of time has assumed the taxpayer’s liability for the tax (for example, as a tenant or mortgagor), and taxes levied or assessed by any state, territory, county, municipality or other taxing subdivision of a state or territory, or by any foreign jurisdiction, upon or in respect of interest or dividends included in the return as gross income subject to tax, except:”. [L. 1932, 2d, c. 44, pt. of s. 5; am. L. 1933, c. 102, s. 1; R. L. 1935, pt. of s. 2034; am. imp. L. 1939, c. 77, s. 1; am. L. Sp. 1941, c. 71, s. 1; am. L. 1943, c. 35, s. 1 and c. 167, s. 1; R. L. 1945, s. 5508; am. L. 1947, c. 132, s. 1 (1) and c. 150, s. 1; am. L. 1949, c. 243, s. 1; am. L. 1951, c. 166, s. 4; am. L. 1953, c. 169, s. 2 and c. 136, s. 1.]

SECTION 3. This Act shall apply to all income taxes due January 1, 1954 or for a taxable year commencing in 1953 and thereafter.

(Approved June 2, 1953.) **H. B. 729, Act 169.**

§ 5508. **Gross income; deductions from.** Am. L. 1947, Act 150 [A-87], Act 132 [A-88]; Am. L. 1949, Act 243 [A-156]; Am. L. 1951, Act 166 [A-123].

### Series A-127: ACT 136

An Act to Amend Section 5508 (d), Revised Laws of Hawaii 1945, As Amended, Relating to Deduction of Contributions to An Employees’ Pension Plan, Profit Sharing Trust, Etc.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5508** (d), Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

“(d) **Contributions to an employees’ pension plan, profit sharing trust, etc.** Contributions paid by an employer to or under a stock bonus, pension, profit sharing or annuity plan, or compensation paid or accrued on account of any employee under a plan deferring the receipt of such compensation, shall be deductible to the extent and in the manner that such payments are deductible for federal income tax purposes under section 23 (p) of the internal revenue code, as amended from time to time.” [L. 1932, 2d, c. 44, pt. of s. 5; am. L. 1933, c. 102, s. 1; R. L. 1935, pt. of s. 2034; am. imp. L. 1939, c. 77, s. 1; am. L. Sp. 1941, c. 71, s. 1; am. L. 1943, c. 35, s. 1 and c. 167, s. 1; R. L. 1945, s. 5508; am. L. 1947, c. 132, s. 1 (1) and c. 150, s. 1; am. L. 1949, c. 243, s. 1; am. L. 1951, c. 166, s. 4; am. L. 1953, c. 169, s. 2 and c. 136, s. 1.]

SECTION 2. This Act shall apply to any taxable year ending on or after March 31, 1953.

(Approved May 28, 1953.) H.B. 829, Act 136.

§ 5509. **Exemptions.** Am. L. 1947, Act 213 [A-86]; Am. L. 1953, Act 139 [A-108], supra.

§ 5511. **Allocation of income to territory.** Am. L. 1951, Act 166 [A-123].

§ 5515. **Accounting methods and periods.** Am. L. 1953, Act 125 [A-101], supra.

§ 5516. **Payment of tax; advance payment voluntary.** Am. L. 1951, Act 166 [A-123].

§ 5517. **Penalties.** Am. L. 1953, Act 125 [A-101], supra.

§ 5524. **Individual returns.** Am. L. 1949, Act 243 [A-156]; Am. L. 1951, Act 166 [A-123].

§ 5528. **Procedure upon failure to file return.** Am. L. 1953, Act 125 [A-101], supra.

§ 5529. **Fraud or negligence in making return.** Am. L. 1953, Act 125 [A-101], supra.

§ 5530. **Refusal to obey summons or testify; penalty.** Am. L. 1953, Act 125 [A-101], supra.

§ 5531. **Jeopardy assessment.** Am. L. 1953, Act 125 [A-101], supra.

§ 5532. **Security for payment.** Am. L. 1953, Act 125 [A-101], supra.

§ 5535. **Appeals.** Am. L. 1945, Act 92 [A-99]; Am. L. 1951, Act 224 [A-41]; Am. L. 1953, Act 125 [A-101], supra.

§ 5536. **Assessments, etc., prima facie proof.** Am. L. 1953, Act 125 [A-101], supra.

§ 5542. **Lien on land.** NEW, L. 1951, Act 161 [A-122].

## TAXATION

### Chapter 103. INHERITANCE AND ESTATE TAX.

- § 5552. Tax imposed when, generally. Am. L. 1953, Act 223 [A-102], supra.
  - § 5553. Same, joint holdings. Am. L. 1945, Act 262 [A-107].
  - § 5555. Rates; exempt amount. Am. L. 1945, Act 262 [A-107].
  - § 5556. Contingent interests, etc. Am. L. 1945, Act 262 [A-107], rewritten p. 197.
  - § 5561. Reciprocal provision, definitions. Am. L. 1947, Act 175 [A-90].
  - § 5562. Resident decedents; credits. Am. L. 1945, Act 262 [A-107].
  - § 5563. Non-resident decedents. Am. L. 1945, Act 262 [A-107].
  - § 5566. Construction, administration, etc. Am. L. 1953, Act 223 [A-102], supra.
  - § 5567. Payable when; penalty for non-payment. Am. L. 1945, Act 262 [A-107]; Am. L. 1953, Act 223 [9-102], supra.
  - § 5568. Penalty reduced, when. Am. L. 1945, Act 262 [A-107].
  - § 5569. Bond to pay. Am. L. 1953, Act 223 [A-102], supra.
  - § 5573. Duties of safe deposit companies, trust companies, banks, corporations, partnerships, persons, etc. Am. L. 1945, Act 262 [A-107]; Am. L. 1953, Act 223 [A-102], supra.
  - § 5574. Appraisers, penalty for taking award. Am. L. 1945, Act 37 [A-108]. Am. L. 1953, Act 223 [A-102], supra.
  - § 5576. Returns. Am. L. 1953, Act 223 [A-102], supra.
  - §§ 5577-5586. Am. L. 1953, Act 223 [A-102], supra.
  - § 5593. Disposition of revenues. Am. L. 1953, Act 223 [A-102], supra.
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### Chapter 104. LIQUOR TAX.

- § 5601. Definitions. Am. L. 1947, Act 111 [A-81]; Am. L. 1949, Act 343 [A-157]. See L. 1951, Act 284 [F-320].
  - § 5602. Permit. Am. L. 1949, Act 343 [A-157].
  - § 5604. Tax. Am. L. 1947, Act 111 [A-81]; Am. L. 1949, Act 343 [A-157].
  - § 5605. Statement of tax as separate part of price. Am. L. 1949, Act 343 [A-157].
  - § 5606. Rep. L. 1949, Act 343 [A-157].
  - § 5607. Return, form, contents. Am. L. 1947, Act 111 [A-81]; Am. L. 1949, Act 343 [A-157], rewritten p. 307.
  - § 5608. Payment of tax; penalty for delinquency. Am. L. 1949, Act 343 [A-157]; Am. L. 1953, Act 125 [A-101], supra.
  - § 5609. Determination of tax, additional assessments, credits and refunds. Am. L. 1949, Act 343 [A-157].
  - § 5610. Records to be kept. Am. L. 1949, Act 343 [A-157].
  - § 5613. Appeals. Am. L. 1945, Act 92 [A-99].
  - § 5617. Penalties. Am. L. 1949, Act 343 [A-157].
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### Chapter 105. PERSONAL PROPERTY TAX. Repealed.

- §§ 5631-5647. Rep. L. 1947, Act 111 [A-81], [as of Jan. 1, 1948.]
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### Chapter 106. PUBLIC UTILITIES TAX.

- § 5672. Definitions; computation of net operating income. Am. L. 1945, Act 78 [A-110].
- § 5672.01. Exemption from real property taxes. NEW, L. 1949, Act 218 [A-151].



## Chapter 108. SPECIFIC TAXES.

## Series A-128: ACT 8

An Act for the Issuance of Duplicate bicycle Tags and Amending Section 5702 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5702** of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof the following paragraph:

"Duplicate bicycle tags. In the event that a bicycle tag furnished under the provisions of this section is lost, the person to whom the same was furnished may obtain a duplicate thereof by presenting to the county treasurer or his deputy the number and registration of the bicycle involved. There shall be charged for such duplicate tag issued the sum of ten cents." [L. 1903, 54, pt. of s. 1; am. L. 1905, c. 101, s. 1; am. L. 1923, c. 120, s. 1; R. L. 1925, s. 1308; R. L. 1935, s. 2151; R. L. 1945, s. 5702; am. L. 1953, c. 8, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 15, 1953.) **S. B. 369, Act 8.**

§ 5704. **Net weight.** Am. L. 1951, Act 222 [A-125].

§ 5705. **Imposition of tax.** Am. L. 1951, Act 162 [A-126].

§ 5706. **Tax for fraction of years, refunds; removal from territory; junked vehicles; non-resident owned vehicle temporarily in territory.** Am. L. 1951, Act 222 [A-125].

## Series A-129: ACT 140

An Act Amending Section 5706 of the Revised Laws of Hawaii 1945, As Amended, Relating to Tax for Fraction of Years, Refunds; Removal From Territory; Junked Vehicles; Non-Resident-Owned Vehicles Temporarily in Territory.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5706 of the Revised Laws of Hawaii 1945, as amended, is hereby amended in the following respects:

(1) By amending the title to read as follows:

"**Sec. 5706. Tax for fraction of years, refunds; removal from Territory; junked vehicles; vehicles brought into the Territory.**"

(2) By amending the second paragraph to read as follows:

"That any vehicle owned and brought into the Territory by any person shall be exempt from the provisions of this chapter relative to the payment of taxes and display of number plates for the remaining period of the year for which the taxes have been paid on such vehicle by the owner thereof in compliance with the law of the state or country of his residence, and shall display on such vehicle the number plates for the current year required by the law of such state or country; and". [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 2; R. L. 1945, s. 5706; am. L. 1949, c. 167, s. 2; am. L. 1951, c. 222, s. 2; am. L. 1953, c. 140, s. 1 and c. 143, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 29, 1953.) **H. B. 1133, Act 140.**

**Series A-130: ACT 143**

An Act to Amend Sections 5706 and 5707  
of the Revised Laws of Hawaii 1945, As Amended,  
Relating to the Vehicle Weight Tax.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5706** of the Revised Laws of Hawaii 1945, as amended by Act 222 of the Session Laws of Hawaii 1951, is hereby amended by deleting therefrom the words commencing with and including "Whenever" on line 3 thereof and ending with and including "deduction;" on line 20 thereof, and substituting the following:

"Whenever it shall be made to appear to the treasurer that any vehicle taxable under this subtitle has been acquired or has been removed from storage, where it was not used for transportation or for other purposes covered by section 5705, subsequent to January 1 of the current year, by the person seeking to register the same, and such vehicle is not subject to unpaid taxes for the same or any prior year under this subtitle, the tax to be paid thereon shall be as provided under this title less eight and one-third per centum of such tax for each full month of the then calendar year which shall have elapsed at the date the vehicle was acquired or removed from storage;". [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 2; R. L. 1945, s. 5706; am. L. 1949, c. 167, s. 2; am. L. 1951, c. 222, s. 2; am. L. 1953, c. 143, s. 1 and c. 140, s. 1.]

SECTION 2. Section 5707 of the Revised Laws of Hawaii 1945, as amended by Act 222 of the Session Laws of Hawaii 1951, is hereby further amended to read as follows:

**"Sec. 5707. Exemptions for new vehicles, official vehicles and stored vehicles, and refunds for stored vehicles.** All new vehicles, otherwise taxable under this subtitle, in stock for purposes of sale, and all publicly owned vehicles and all motor vehicles and motorcycles owned by police officers of the Territory or any county and actually used by them in their travel on official business, shall be exempt from the tax herein provided for, and number plates for all such vehicles or such motorcycles may be issued as now and hereafter provided by ordinance of the county.

Further, all vehicles, otherwise taxable under this subtitle, stored so that they are not used for transportation, or for the other purposes covered by said section 5705, shall be exempt from the tax herein required; **provided**, however, that the owner of each such vehicle shall have first presented to the treasurer a signed and sworn certificate stating the fact of such storage, together with such other relevant facts as may be required by the treasurer, and shall have also surrendered the current license plates and tag for such vehicle not later than December 31 of the current year. In the event that such certificate shall be presented to the treasurer after December 31 of the year in which the vehicle is registered for license plates and tag, but before March 31 of the year immediately following, or after said March 31 for vehicles stored on or before said March 31, with the current tax thereon unpaid, then the unpaid tax for three months of the current year shall be paid in full upon presenting such certificate. Should such certificate be presented to the treasurer after March 31 of any year and after payment of the current year's tax, then one-fourth of the annual tax paid for the stored vehicle for each remaining full one-quarter of the current year shall be refunded upon the filing of said certificate but no refund shall be made for a period less than a full one-quarter of a year." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 3; am. L. 1941, c. 193, s. 1; R. L. 1945, s. 5707; am. L. 1951, c. 222, s. 3; am. L. 1953, c. 143, s. 2.]

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1953.) **S. B. 190, Act 143.**

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**§ 5707. Exemptions for new vehicles, official vehicles, and store vehicles.** Am. L. 1951, Act 222 [A-125].

## Series A-131: ACT 21

An Act Exempting Passenger Cars Owned by Disabled Veterans from the Vehicle Weight Tax, Amending Section 5707 of the Revised Laws of Hawaii 1945, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5707** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding the following paragraph thereto:

"Passenger cars owned by persons who, by reason of their service disability have been furnished such cars by the federal government and have been so certified by the veterans administration, shall also be exempted from the tax herein provided for; **provided**, that this exemption shall not extend to vehicles used for commercial purposes, nor to more than one vehicle of any disabled veteran." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 3; am. L. 1941, c. 193, s. 1; R. L. 1945, s. 5707; am. L. 1951, c. 222, s. 3; am. L. 1953, c. 21, s. 1.]

SECTION 2. This Act shall take effect on January 1, 1954, with respect to taxes becoming due on and after that date.

(Approved April 22, 1953.) **S. B. 32, Act 21.**

§ **5708. Number plates.** Am. **L. 1951**, Act 162 [A-126].

§ **5709. Duplicates for lost or damaged plates, tags, or emblems.** Am. **L. 1951**, Act 162 [A-126].

## Series A-132: ACT 158

An Act Relating to Motor Vehicle License Plates, Amending Sections 5708 and 5709 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5708** of the Revised Laws of Hawaii 1945, as amended by Act 162 (Series A-126) of the Session Laws of Hawaii 1951, is hereby further amended as follows:

(a) By inserting a comma and the following after the word "vehicle" in line eleven of the first paragraph thereof: "or one plate in the case of trailers, semi-trailers, or motorcycles,".

(b) By inserting the following after the fourth sentence of the second paragraph thereof:

"In the case of trailers, semi-trailers, or motorcycles, but one plate shall be used and it shall be fastened to the rear thereof."

(c) By amending subdivision (a) in line seventeen of the second paragraph thereof to read as follows:

"(a) if a tag, to the front number plate, except that if only a rear number plate is required, then to such plate;". [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 4; R. L. 1945, s. 5708; am. L. 1951, c. 162, s. 2; am. L. 1953, c. 158, s. 1.]

SECTION 2. **Section 5709** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the last sentence thereof to read as follows:

"Upon the filing of such form, a new number plate or plates, tag or emblem shall be issued by the treasurer who shall charge the owner one dollar for each plate requiring replacement and twenty-five cents for a tag or emblem requiring replacement." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 5; R. L. 1945, s. 5709; am. L. 1951, c. 162, s. 3; am. L. 1953, c. 158, s. 2.]

SECTION 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945, but the first section shall apply to the licensing of motor vehicles on and after January 1, 1954.

(Approved June 1, 1953.) **S. B. 154, Act 158.**

§ 5708, as amended, reads as follows:

**"Sec. 5708. Number plates.** Upon receipt of the tax the treasurer shall number and register the vehicle in the owner's name in a permanent record or book to be kept by him for this purpose, and shall furnish the owner thereof with a receipt which will show upon its face the license number issued for the vehicle, and shall show the fact that the license tax has been paid thereon for the whole or the remainder of the current year in which the receipt is issued. The treasurer shall also furnish the owner, (a) upon the original registration of the vehicle, two number plates, for the vehicle, or one plate in the case of trailers, semi-trailers, or motorcycles, with the registration number marked thereon, together with a tag or emblem bearing a serial number and with the year of issue marked thereon; (b) upon the payment of the tax for each year subsequent to the year of original registration, a tag or emblem bearing a serial number and with the year of issue marked thereon, or both. Transfer of current number plates, tag or emblem, except as authorized by this chapter or by chapter 138, is declared a misdemeanor, punishable by a fine of not more than fifty dollars for each offense.

Upon an original registration the treasurer shall charge the owner a fee equal to the costs of the number plate, and tag or emblem plus the administrative cost of furnishing such plate and tag or emblem and effecting the registration to be fixed by the secretary of the territory. Upon issuing such tag or emblem in

subsequent years, the treasurer shall charge the owner a fee of fifty cents. The owner shall securely fasten the number plates on the vehicle, one on the front and the other on the rear thereof, in such manner as to prevent the plates from swinging and at a minimum of sixteen inches from the ground. Such plate shall at all times be displayed entirely unobscured and be kept reasonably clean. In the case of trailers, semi-trailers, or motorcycles, but one plate shall be used and it shall be fastened to the rear thereof. Upon the issuance of the tag or emblem for each year subsequent to the year of the initial payment of the tax and the original registration of the vehicle, the owner shall affix said tag or emblem in the following manner: (a) if a tag, to the front number plate, except that if only a rear number plate is required, then to such plate; (b) if an emblem, to the lower right hand corner of the windshield of the vehicle. If both tags and emblems are issued, they shall be affixed in the aforesaid manner.

After the initial payment of the tax and the original registration of a vehicle as herein specified, a motor vehicle shall not be required to be reweighed in any succeeding year unless the same has been so altered or changed as to increase or diminish the weight thereof. No new number plates shall, however, be issued to a new owner except as provided in section 5709.

Should an owner of a vehicle registered in any county, upon disposition of the vehicle, request that the license plates furnished to him with respect to the registration of said vehicle be assigned to another vehicle subsequently acquired by him, said assignment may be made by the treasurer at his discretion. To defray additional administrative costs incurred by acceding to such requests, the treasurer shall charge a fee of five dollars for each such reassignment of license plates, in lieu of the fee for registration provided hereinafter. The procedure for registering said vehicles shall otherwise be identical with that provided above by this section.

The treasurer shall, on or before the fifth day of each month, send to the chief of police of the county a list of the numbers issued by him and of changes in ownership recorded by him during the preceding month, together with a general description of the vehicles and the name and address of the owner to whom issued or registered. The chief of police shall retain each such list as a permanent record of his office." [R. L. 1935, pt. of s. 2157, am. L. 1937, c. 214, s. 1, subs. 4; R. L. 1945, s. 5708; am. L. 1951, c. 162, s. 2; am. L. 1953, c. 158, s. 1.]

§ 5709, as amended, reads as follows:

**"Sec. 5709. Duplicates for lost or damaged plates, tags, or emblems.** Upon the loss, defacement or destruction of a number plate or plates, tag or emblem issued upon any vehicle, or where the number plate, tag or emblem has become illegible or is in such condition as to be difficult to read, the owner of such vehicle shall make application for a new number plate or plates, tag or emblem upon such form as shall be prescribed by the county treasurer. The owner shall be required, in addition to other requirements, to make a complete statement as to the cause of the loss, defacement or destruction of such original number plate or plates, tag or emblem. Upon the filing of such form, a new number plate or plates, tag or emblem shall be issued by the treasurer who shall charge the owner one dollar for each plate requiring replacement and twenty-five cents for a tag or emblem requiring replacement." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 5; R. L. 1945, s. 5709; am. L. 1951, c. 162, s. 3; am. L. 1953, c. 158, s. 2.]

§ 5710. **Uniform number plates; purchase.** Am. L. 1951, Act 162 [A-126].

§ 5711. **Delinquent penalties; seizure and sale for tax; molesting seized vehicle a misdemeanor.** Am. L. 1951, Act 162 [A-126].

§ 5713. **Road fund.** Am. L. 1945, Act 83 [A-111].

### Series A-133: ACT 45

An Act to Amend Section 5713, Revised Laws of Hawaii 1945, As Amended, Relating to Road Fund of the Counties and Expenditures Therefrom and With Respect to Appropriation to the Police Department in the City and County of Honolulu.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 5713** of the Revised Laws of Hawaii 1945, as amended by Act 83 (Series A-111) Session Laws of Hawaii 1945, is further amended by substituting the word "two" for the word "one" as found in line 11 of said section, as amended. [L. 1917, c. 131, s. 1; R. L. 1925, s. 1309; am. L. 1925, c. 180, s. 2; am. L. 1927, c. 33, s. 1; am. L. 1929, c. 195, s. 1; am. L. 1932, 2d, c. 61, s. 1; R. L. 1935, s. 2158; R. L. 1945, s. 5713; am. L. 1945, c. 83, s. 1; am. L. 1953, c. 45, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved May 1, 1953.) **S. B. 455, Act 45.**

### Chapter 109. TOBACCO TAX.

§ 5753. **Tax.** Am. L. 1945, Act 115 [A-112]; Am. L. 1949, Act 344 [A-158].

§ 5756. **Payment of taxes; penalties.** Am. L. 1953, Act 125 [A-101], *supra*.

§ 5760. **Appeals.** Am. L. 1945, Act 92 [A-99].

### Title 15: TREASURY.

#### Chapter 110. DEPARTMENT.

§ 5802.01. **Short term investment of territorial moneys.** NEW, L. 1945, Act 59 [A-113]; Am. L. 1947, Act 244 [A-92].

§ 5803. **Fiscal agents.** Am. L. 1945, Act 59 [A-113].

§ 5812. **Purchase of county bonds.** Am. L. 1945, Act 133 [A-114]; Am. L. 1947, Act 167 [A-93]; Am. L. 1949, Act 342 [A-159].

§ 5812.01. **Power of counties to incur excess liabilities.** NEW, L. 1949, Act 342 [A-159].

§ 5813. **Fees.** Am. L. 1949, Act 172 [A-160].

## **TERRITORIAL BOND ISSUES**

### **Chapter 111. BANK EXAMINERS.**

- § 5825. **Illegal or unsafe practices; order directing discontinuance.** Am. L. 1951, Act 99 [A-127].
- § 5828. **Fees.** Am. L. 1949, Act 321 [A-161]; Am. Sp. L. 1949, Act 14 [A-22].
- § 5829. **Misdemeanor; penalty.** Am. L. 1951, Act 99 [A-127].
- § 5829.01. **Felony; penalty.** Am. L. 1951, Act 99 [A-127].
- § 5830.01. **Duty to report illegal acts.** Am. L. 1951, Act 99 [A-127].
- § 5836. **Destruction of records of banks, trust companies, saving and loan associations.** Am. L. 1951, Act 103 [A-128].
- § 5837. **No liability for destroyed records, when.** Am. L. 1951, Act 103 [A-128].
- § 5838. **Rules and regulations.** Am. L. 1951, Act 103 [A-128].
- § 5839. **Application of law to national banks.** Am. L. 1951, Act 103 [A-128].
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### **Chapter 113. DEPOSIT OF MONEY IN BANKS.**

- § 5851. **Authorized; conditions.** Am. L. 1945, Act 119 [A-115].
- § 5854. **Provisions of depository contracts.** Am. L. 1945, Act 119 [A-115].
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### **Chapter 114. TERRITORIAL INSURANCE FUND: INSURANCE ON PUBLIC VEHICLES.**

- § 5873. **Additional appropriation to fund.** NEW, L. 1945, Act 89 [A-116].
- § 5874. **Insurance on public vehicles.** NEW, L. 1947, Act 245 [A-94]; Am. L. 1951, Act 264 [A-129].
- § 5875. **Insurance management.** NEW, L. 1951, Act 264 [A-129].
- § 5876. **Bonds of public officers and employees; payments from insurance fund.** Am. L. 1951, Act 264 [A-129].
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### **Chapter 115. TERRITORIAL BOND ISSUES.**

#### **PART I: GENERAL AND REFUNDING BONDS.**

- §§ 5901-18. **General refunding.** Am. L. 1947, Act 218 [A-95].
- § 5923. **Sinking fund for term bonds; special reserve for refunding serial bonds; how made; deficits; reports.** Am. L. 1945, Act 8 [E-220]; Am. L. 1947, Act 107 [A-68], Act 243 [A-96].
- § 5924. **Additional payments to sinking fund.** Am. L. 1945, Act 82 [A-87], rewritten pp. 155-6; Act 8 [E-220].
- § 5926. **Transfer of bonds of the Territory redeemed prior to maturity.** Am. L. 1945, Act 8 [E-220].
- § 5927. **Purchase of bonds when.** Am. L. 1945, Act 42 [A-117].
- § 5930.01. **Lapsing of unneeded appropriations.** NEW, L. 1947, Act 243 [A-96].

#### **PART IV. REVENUE BONDS.**

- §§ 5931-49. **Ter. revenue bonds.** NEW, L. 1947, Act 74 [A-97].



## Series A-134: ACT 248

An Act Relating to the Construction, Operation and Leasing of Storage Facilities for Feedstuffs and Foodstuffs by the Board of Harbor Commissioners and Financing the Same by the Issuance of Revenue Bonds.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 5950.1]. SECTION 1. [Bond issue authorized.] There are hereby authorized to be issued by the board of harbor commissioners as provided by part IV of chapter 115, as amended, of the Revised Laws of Hawaii 1945, revenue bonds in an amount not in excess of \$1,250,000.00, payable solely from the revenues derived from the public undertaking hereinafter designated for the following purpose, to wit: for the construction of bulk storage warehouses and facilities for storage of feedstuffs and foodstuffs, warehouses for storing of such items as are not suitable for bulk storage but are necessary components for the ultimate use of feedstuffs and foodstuffs stored in bulk, and such additional facilities as may be needed properly to operate a program of bulk storage of feedstuffs and foodstuffs and the use of feedstuffs and foodstuffs stored. The storage capacity shall be of an amount to provide a minimum of approximately three months supply for the Territory of items suitable for bulk storage. The proceeds of sale of said bonds are hereby appropriated for said purpose.

The public undertaking, the revenues of which are hereby charged with the payment of the principal and interest of said bonds is hereby designated as follows, to wit: all of the harbor and waterfront improvements and other properties under the jurisdiction, control, and management of the board of harbor commissioners except such as are principally used for recreation or the landing of fish but such exception shall not apply to the properties under the jurisdiction, control, and management of said board at Kewalo Basin, ewa of Ala Moana Park, Honolulu. [L. 1953, c. 248, s. 1.]

[Sec. 5950.2]. SECTION 2. [Lease of storage facilities.] The board of harbor commissioners, subject to the provisions of any resolutions of said board governing the issuance of revenue bonds, and the maintenance of the public undertaking, shall lease or license the use of such storage facilities at such rental as will at least meet the requirements for the payment of principal and interest of said bonds and all expenses and obligations incurred pursuant to part IV of chapter 115 of the Revised Laws of Hawaii

1945, in connection therewith, plus a fair return on the value of the land devoted to such structures and installations. The amount which shall constitute such fair return on land value shall be determined by the board of harbor commissioners. [L. 1953, c. 248, s. 2.]

[Sec. 5950.3]. SECTION 3. [Survey prior to Bond issue.] The board of harbor commissioners shall, prior to the construction of said facilities and the issuance of said bonds, conduct a survey to determine the feasibility of leasing or licensing the use of said facilities as hereinabove provided so that they will be operated, under strict covenants, for the purposes hereinabove set forth and at such rental as to at least meet all principal and interest requirements of said bonds and all expenses and obligations incurred pursuant to part IV of chapter 115 of the Revised Laws of Hawaii 1945, in connection therewith, plus a fair return on the value of land devoted to such structures and installations. Said board is further authorized, subject to the provisions of said resolutions, to enter into a leasing or licensing contract, contingent upon the construction of said facilities, at such rental, for a period to be determined by the board of harbor commissioners but not in excess of forty (40) years. In entering into any such lease or agreement, the board shall assure itself of the financial responsibility of the lessee and require such performance bond or other assurance of performance as it may deem advisable. [L. 1953, c. 248, s. 3.]

[Sec. 5950.4]. SECTION 4. [No construction if impossible to lease.] In the event that the board of harbor commissioners shall satisfy itself that it is impossible to lease or license the use of such facilities in the manner as hereinabove provided, no bonds shall be issued and no construction shall be undertaken under this Act. [L. 1953, c. 248, s. 4.]

[Sec. 5950.5]. SECTION 5. [Cost of survey.] The board of harbor commissioners is hereby authorized to advance from any reserve in the harbor board special fund or from any general appropriations for its benefit, the cost of the survey hereinafter required, the cost of the issuance of bonds authorized by this Act and other preliminary expenses, including plans, surveys and appraisals of facilities authorized hereunder. Said advances shall be repaid from the proceeds of revenue bonds if and when sold. [L. 1953, c. 248, s. 5.]

[Sec. 5950.6]. SECTION 6. [Approval of Governor.] No bond shall be issued under the terms of this Act without

the prior written approval of the governor. [L. 1953, c. 248, s. 6.]

SECTION 7. This Act shall take effect ten days after promulgation as required by Section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 12, 1953.) S. B. 345, Act 248.

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Series A-135: ACT 120

An Act Authorizing the Issuance By the  
Bond of Harbor Commissioners of Revenue Bonds  
for the Extension and Improvement of Pier I,  
Kahului, Maui.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 5951.1]. SECTION 1. **Authorization.** There are hereby authorized to be issued by the board of harbor commissioners, as provided by Part IV of chapter 115 of the Revised Laws of Hawaii 1945, (enacted by the 24th legislature) revenue bonds for the extension and improvement of Pier I, Kahului, Maui, in the amount of \$300,000.00 payable solely from the revenues derived from the public undertaking hereinafter designated. The public undertaking the revenues of which are hereby charged with the payment of the principal and interest of said bonds is hereby designated as follows, to wit: All of the harbor and waterfront improvements and other properties under the jurisdiction, control, and management of the board of harbor commissioners, except such as are principally used for recreation or the landing of fish but such exception shall not apply to the properties under the jurisdiction, control, and management of said board at Kewalo Basin, ewa of Ala Moana Park, Honolulu. [L. 1953, c. 120, s. 1.]

[Sec. 5951.2]. SECTION 2. [Same.] The board of harbor commissioners is hereby authorized to supplement the foregoing appropriation from current revenues in the harbor board special fund to pay the cost of sale of bonds, and preliminary expenses, including plans, surveys. In case the funds authorized by this Act are insufficient to complete the project authorized the board of harbor commissioners may, by resolution, supplement the appropriation authorized by this Act from the harbor board special fund. [L. 1953, c. 120, s. 2.]

SECTION 3. This Act shall take effect upon its approval. (Approved May 20, 1953.) S. B. 413, Act 120.

**PART B. COUNTY GOVERNMENT.**Title 16: GENERAL GOVERNMENTAL PROVISIONS  
COMMON TO ALL COUNTIES.

## Chapter 116. ADMINISTRATIVE, GENERAL.

§§ 6004.01-.02. Destruction of vouchers, etc. NEW, L. 1947, Act 146 [B-98]. See § 460.02.

§ 6007. Road fund. Am. L. 1945, Act 83 [A-111].

§§ 6008.01-.02. Investment of funds. NEW, L. 1945, Act 43 [B-118].

§ 6009.01. Loans to Territory. NEW, L. 1945, Act 133 [A-114].

§ 6017. Suits against police. Am. L. 1945, Act 162 [B-119].

§ 6020. Free emergency ambulance service by counties; when rendered. NEW, L. 1949, Act 246 [B-162].

§ 6020.01. Free police escort for funerals. NEW, L. 1949, Act 193 [B-163].

§§ 6021.01-.02. Abandoned vehicles. NEW, L. 1949, Act 194 [B-164].

§§ 6021.03-.07. Disposition of unclaimed property. NEW, L. 1949, Act 319 [B-165].

§§ 6022.01-.04. Counties and Haw. housing authority. NEW, L. 1949, Act 268 [B-166].

§§ 6022.05-.06. Garbage service, etc. to Haw. housing authority. NEW, L. 1949, Act 281 [B-167].

§ 6022.06. Garbage, trash disposal. Am. Sp. L. 1949, Act 20 [B-23], rewritten p. 45.

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**Series B-136: ACT 25**

An Act Amending Chapter 116 of the Revised Laws of Hawaii 1945, to Authorize Boards of Supervisors to Appropriate Funds to Facilitate J. P. O. Training Programs.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 116 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section thereto, to be designated as section 6023, to read as follows:

“Sec. 6023. [J.P.O. training programs.] The boards of supervisors of the several counties and of the city and county are hereby authorized and empowered to appropriate funds to facilitate the training programs of the several junior police organizations.” [L. 1953, c. 25, s. 1.]

SECTION 2. This Act shall take effect upon approval.  
(Approved April 22, 1953.) **S. B. 299, Act 25.**

## Series B-137: ACT 64

An Act Relating to the Payment of Vacation and Sick Leave Pay to Employees of the County of Kauai and the County of Maui, Respectively.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6024]. SECTION 1. [Vacation and sick leave pay.] The board of supervisors of the county of Kauai and the board of supervisors of the county of Maui are hereby authorized to require the payment of all vacation and sick leave pay to which employees of their respective counties may be entitled, out of the fund, or funds, from which their regular compensation is derived and to require each department or agency in the preparation of its budgetary requirements to make provision for such payments. [L. 1953, c. 64, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved May 9, 1953.) H. B. 343, Act 64.

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## Series B-138: ACT 43

An Act Providing for the Acquisition of the Old Buildings of Kalaheo Vocational School by Kalaheo School, Kalaheo, Kauai.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6025]. SECTION 1. [Kalaheo school building.] The department of public instruction is hereby authorized and directed to add the old buildings and lands of the Kalaheo Vocational School, when available, to and make the same a part of Kalaheo School, Kalaheo, Kauai. [L. 1953, c. 43, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved May 1, 1953.) S. B. 13, Act 43.

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Chapter 118. BONDS: REVENUE BOND ACT OF 1935.

§ 6081. **Definitions.** Am. L. 1947, Act 74 [A-97], Act 45 [F-211]; Am. L. 1949, Act 291 [B-168], Act 153 [B-169], rewritten p. 323; Am. L. 1951, Act 171 [B-143], Act 152 [B-148].

§ 6095. **Termination of power to issue bonds.** Am. L. 1951, Act 7 [B-130].

## Series B-139: ACT 4

An Act Repealing Section 6095, Revised Laws of Hawaii 1945, as Amended, so as to Extend the Operation of Chapter 118, Revised Laws of Hawaii 1945, as Amended, Relating to Revenue Bonds.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 6095** of the Revised Laws of Hawaii 1945, as amended, is hereby repealed, to the end that the power to issue and deliver revenue bonds pursuant to chapter 118 of the Revised Laws of Hawaii 1945 shall be continuously operative. [L. 1935, c. 174, s. 17; am. L. 1937, c. 23, s. 1; am. L. 1939, c. 58, s. 1; am. L. Sp. 1941, c. 20, s. 2; am. L. 1943, c. 16, s. 1; R. L. 1945, s. 6095; am. L. 1945, c. 33, s. 1; am. L. 1947, c. 10, s. 1; ch. 396, 61 stat. 676, Pub. 286; am. L. 1949, c. 4, s. 1; am. L. 1951, c. 7, s. 1; am. L. 1953, c. 4, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 7, 1953.) **S. B. 260, Act 4.**

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## Chapter 119. EMINENT DOMAIN.

§ 6101. **Purposes for taking property.** Am. L. 1951, Act 96 [B-131]. Am. L. 1951, Act 12 [A-8].

§ 6102. **Proceedings according to chapters 8 and 8.01.** Am. L. 1951, Act 12 [A-8].

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## Chapter 120. HIGHWAYS, SIDEWALKS, ETC.

§ 6111. **Public highways defined, etc.** Am. L. 1947, Act 142 [B-100]; Am. L. 1949, Act 74 [B-171], rewritten p. 325, Act 64 [D-300], Act 222 [B-204].

§ 6113. **In charge of the supervisors.** Am. L. 1947, Act 142 [B-100].

§ 6113.01. **Workers' tools, etc. to be furnished by counties.** NEW, L. 1947, Act 88 [B-101].

§ 6115.01. **Counties to maintain privately constructed improvements, when.** NEW, L. 1949, Act 74 [B-171].

§§ 6116-20. Rep. L. 1947, Act 142 [B-100].

§ 6124. **Signs.** Am. L. 1945, Act 172 [A-86].

§ 6130. **Sidewalks.** Am. L. 1945, Act 68 [B-121].

§ 6133. Rep. L. 1947, Act 7 [B-102].

§ 6135. **Owners to clean sidewalks.** Am. L. 1945, Act 68 [B-121].

§ 6138. **Parks.** Am. L. 1949, Act 185 [A-32].

## Chapter 121. PENSIONS.

## Series B-140: ACT 149

An Act Amending Paragraph 2 of Section 6173 of Chapter 121 of the Revised Laws of Hawaii 1945, As Amended, Relating to Pensions for Police-men, Firemen and Bandsmen.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Paragraph 2 of **section 6173** of chapter 121 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"2. Any member of the police force, fire department or band who shall have been in the service of any county as a member of the police force, fire department or band for twenty years and less than twenty-five years, upon his written application to the board to be retired, shall be retired from the police force, fire department or band, and such member shall thereafter receive from the pension fund a monthly payment equal to forty per centum of the average monthly compensation for the five years of his service, as hereinafter defined, immediately preceding the date of his retirement; and any member of the police force, fire department or band who shall have been in the service of the county as a member of the police force, fire department or band for twenty-five years, upon his written application to the board to be retired, shall be retired from the police force, fire department or band and such member shall thereafter receive from the pension fund a monthly payment equal to fifty per centum of the average monthly compensation for the five years of his service, as hereinafter defined, immediately preceding the date of his retirement; and any member of the police force, fire department or band who shall have been in the service of the county as a member of the police force, fire department or band for more than twenty-five years, upon his written application to the board to be retired, shall be retired from the police force, fire department or band and such member shall thereafter receive from the pension fund a monthly payment equal to fifty per centum of the average monthly compensation for the five years of his service, as hereinafter defined, immediately preceding the date of his retirement, plus two per centum for each year in excess of twenty-five years, but not in excess of seventy-five per

centum. To entitle anyone to be retired because of time of service only, the time served by such person upon the regularly constituted police force, fire department or band on which he shall then be serving, or of the Territory or the Republic of Hawaii its predecessor, shall be computed; but all times so served by such person before, as well as after, the taking effect of this subtitle, shall be included in such computation. No time served by any person as a special police officer or a police officer solely paid by any private person, or as a merchant policeman, shall be considered in computing the length of such service of such person in the police force." [L. 1917, c. 220, s. 3; am. L. 1923, c. 99, ss. 1, 2; R. L. 1925, s. 2163; am. L. 1929, c. 9, s. 1; am. L. 1931, c. 144, s. 1; am. L. 1933, c. 46, s. 1; R. L. 1935, s. 7905; am. L. 1939, c. 86, ss. 2, 3; am. L. 1943, c. 7, s. 1 and c. 196, s. 1; R. L. 1945, s. 6173; am. L. 1953, c. 149, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 29, 1953.) H. B. 626, Act 149.

§ 6184. **County boards.** Am. L. 1947, Act 87 [B-103]; see Appendix Note 9, p. 453, et seq.

§ 6185. **Payment, conditions.** Am. L. 1949, Act 156 [B-172].

§ 6188. **Computation of service.** Am. Sp. L. 1949, Act 58 [B-24], rewritten p. 46.

§ 6191. **Amount.** Am. L. 1949, Act 250 [B-173].

§§ 6192.01-.02. **Other pensions.** NEW, L. 1945, Act 264 [B-122].

§ 6192.03. **Other pensions; effective date.** NEW, L. 1945, Act 264 [B-122]; Am. L. 1947, Act 153 [B-104]; Am. L. 1949, Act 161 [B-174]; Am. L. 1951, Act 65 [B-132].

§ 6192.04. **County appropriations directed.** NEW, L. 1945, Act 264 [B-122].

## Chapter 121.01. URBAN REDEVELOPMENT ACT.

§§ 6195.01-.24. **Urban re-development agencies, etc.** NEW, L. 1949, Act 379 [B-175].

§ 6195.03. **Definitions.** Am. L. 1951, Act 244 [B-133].

§ 6195.04. **Re-development agency; creation powers and duties.** Am. L. 1951, Act 244 [B-133]. Am. L. 1953, Act 209 [A-4], Act 210 [A-87], supra.

§ 6195.05. **Governmental advances, donations, and other appropriations.** Am. L. 1951, Act 244 [B-133].

§ 6195.06. **Re-development corporations; how created.** Am. L. 1951, Act 244 [B-133].

§ 6195.10. **Limited return on investment.** Am. L. 1951, Act 244 [B-133].

§ 6195.16. **Advances by re-development corporation.** Am. L. 1951, Act 244 [B-133].

§ 6195.17. **Regulation of development corporations.** Am. L. 1951, Act 244 [B-133].

§ 6195.21. **Tax exemption.** Am. L. 1951, Act 244 [B-133].



§ 6195.24. **Effective date; powers of eminent domain not to be exercised until further enabling legislation.** Am. L. 1951, Act 244 [B-133].

Title 17: GOVERNMENT OF HAWAII, KAUAI, MAUI.  
Chapter 122. GENERAL PROVISIONS.

- § 6208. **Office hours.** Rep. L. 1949, Act 232 [A-16]. See § 477.  
 § 6220. **Election returns; ballots.** Am. L. 1945, Act 236 [B-123], rewritten p. 219.  
 § 6226. **Validity of ballots.** Am. L. 1953, Act 233 [A-11], supra.  
 § 6227. **Petition by candidate or voters; summons.** Am. L. 1953, Act 233 [A-11], supra.  
 § 6229. **Hearing, judgment.** Am. L. 1953, Act 233 [A-11], supra.  
 § 6230. **Powers of court; costs.** Am. L. 1953, Act 233 [A-11], supra.  
 § 6233. **Supervisors' powers.** Am. L. 1945, Act 56 [B-124]; Act 190 [B-125]; Am. L. 1951, Act 271 [B-147]; Act 129 [A-57].  
 § 6233.01. **Admission fees, rentals, for certain uses of public grounds and parks, Kauai, Maui.** NEW, L. 1949, Act 10 [B-176].  
 § 6235. **Advertisements of bills and resolutions and amendments of ordinances.** Am. L. 1951, Act 220 [B-134].  
 § 6239. **Meetings of supervisors.** Am. L. 1947, Act 197 [B-105].  
 § 6255. **Liability specified thereon.** Am. L. 1949, Act 256 [B-177].  
 § 6271. **Reports to attorney general.** Am. L. 1953, Act 105 [A-41], supra.  
 § 6272.01. **Assignment of police officers.** NEW, L. 1949, Act 249 [B-178].  
 § 6272.1. **Private practice by county attorney and his deputies prohibited during office hours.** NEW, L. 1951, Act 220 [B-134].

Chapter 122A. POLICE DEPARTMENTS.

Series B-141: ACT 190

An Act Requiring the Respective Boards of Supervisors of the Counties of Hawaii, Maui, Kauai, and the City and County of Honolulu to Provide Replacement of Policemen's Uniforms Damaged While in the Performance of Duty.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6289.01]. SECTION 1. [Replacement of policemen's uniforms.] The respective Boards of Supervisors of the counties of Hawaii, Maui, Kauai and the city and county of Honolulu, shall provide for and make, replacement of policemen's uniforms which have been destroyed or damaged, while worn by police officers in the performance of their duty. [L. 1953, c. 190, s. 1.]

[Sec. 6289.02]. SECTION 2. [Exceptions.] No uniform shall be replaced under this Act where said uniforms are

destroyed or damaged as the result of ordinary wear and tear, or caused by the negligence of the police officer, or due to any wilful destruction of said uniforms by the police officer. However, destruction or damage caused by another person, or caused by an instrument, device, machine, person, object, etc., under the control or will of another, shall not be considered as destruction or damage by ordinary wear and tear. [L. 1953, c. 190, s. 2.]

[Sec. 6289.03]. SECTION 3. [Replacement when repairs impractical.] It shall be mandatory that a uniform be issued as a replacement where the cost of repairing the damaged uniform would impose an undue burden upon the police officer, or where said destruction or damage is such that any repairs thereon shall be impossible or impracticable, or shall render the uniform unsightly and thereby unfit for service. [L. 1953, c. 190, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 5, 1953.) H. B. 895, Act 190.

§§ 6291-99. Police Depts., Haw., Kauai, Maui. NEW, L. 1947, Act 212 [B-106].

§ 6300. Appropriations. NEW, L. 1947, Act 212 [B-106]; Am. L. 1949, Act 233 [B-179], Act 224 [B-180], Act 23 [B-181].

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### Series B-142: ACT 60

An Act Relating to the Police Department  
of the County of Maui, and Amending Section 6300,  
As Amended, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6300 of the Revised Laws of Hawaii 1945, as amended by Act 212, (Series B-106) of the Session Laws of Hawaii 1947 and amended by Act 23 (Series B-181) of the Session Laws of Hawaii 1949, is hereby further amended by deleting the figures "\$410,000.00" now appearing in clause (c) of said section, and inserting in lieu thereof, the figures "\$466,200.00". [L. 1947, c. 212, pt. of s. 1; am. L. 1949, c. 233, s. 1, c. 224, s. 1, c. 23, s. 1; am. L. 1953, c. 60, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 5, 1953.) S. B. 601, Act 60.

§§ 6301-02. Disbursement, hearings. NEW, L. 1947, Act 212 [B-106].

§ 6303. **Quarters.** NEW, L. 1947, Act 212 [B-106]; Am. L. 1949, Act 36 [B-182].

§ 6304. **Generators.** NEW, L. 1947, Act 212 [B-106].

§ 6305. **Salaries; probationary appointment.** Am. L. 1951, Act 233 [B-135].

§ 6306. **Car allowances; insurance.** NEW, L. 1947, Act 212 [B-106].

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### Series B-143: ACT 264

An Act to Amend Section 6306 of Section 1 of Act 212, Session Laws of Hawaii 1947, relating to Car Allowances for Police Officers.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6306 of section 1 of Act 212, Session Laws of Hawaii 1947, is hereby amended by deleting the fifth line thereof and substituting in lieu thereof the following: "twenty dollars nor more than eighty-five dollars per month". [L. 1947, c. 212, pt. of s. 1; am. L. 1953, c. 264, s. 1.]

SECTION 2. This Act shall become effective on July 1, 1953.

(Approved June 12, 1953.) S. B. 577, Act 264.

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## Chapter 123. FIRE DEPARTMENTS.

§ 6311. **Organizations.** Am. L. 1949, Act 25 [B-192].

§ 6315. Does not apply to Maui. L. 1949, Act 25 [B-192]. L. 1947, Act 174 [B-114]; see L. 1951, Act 144 [B-141], Hawaii Fire Department.

### SALARIES OF FIREMEN

§ 6333. **Salaries of firemen.** Am. L. 1951, Act 203 [B-136].

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## Chapter 124. PROVISIONS SPECIFIC FOR HAWAII.

§ 6352. **Salaries of certain officers, Hawaii.** Am. L. 1951, Act 221 [B-137]; Am. L. 1953, Act 278 [A-5], supra.

§ 6353.01. **Regulation of motor vehicle common carriers.** NEW, Sp. L. 1949, Act 54 [B-25].

§ 6358. **Planning, traffic commission.** Am. L. 1947, Act 77 [B-108].

§ 6358.01-.02. **Zoning, etc.** NEW, L. 1947, Act 76 [B-109].

§ 6358.03. **Codes.** NEW, L. 1947, Act 193 [B-110].

§ 6367-69. **Purchasing agent.** Am. L. 1947, Act 144 [B-111]; Am (?) L. 1949, Act 86 [B-185], Act 221 [B-186].

§ 6369.01. **Inspection.** NEW, L. 1947, Act 144 [B-111].

§ 6370, 6371, 6373. Am. L. 1947, Act 144 [B-111].

§ 6375. **Department created; powers, duties and functions.** Am. L. 1949, Act 212 [B-183]; see L. 1949, Act 86 [B-185], Act 356

[B-187], Act 28 [E-317], Act 30 [E-318], Act 240 [F-366], Act 287 [F-368].

§ 6377. **First and second assistant engineers.** Am. L. 1951, Act 228 [B-138].

### Series B-144: ACT 70

An Act to Amend Section 6377 of the Revised Laws of Hawaii 1945, as Amended by Act 228 (B-138) of the Session Laws of Hawaii 1951, Relating to Assistant Engineers for the County of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6377 of the Revised Laws of Hawaii 1945, as amended by Act 228 (B-138) of the Session Laws of Hawaii 1951, is hereby further amended to read as follows:

“Sec. 6377. **First assistant engineer.** A first assistant engineer shall be similarly appointed and with similar qualifications. He shall be under the direction of the chief engineer, receiving such salary as may be provided for by the board in compliance with the prevailing classification law, and shall have supervision over all heads of bureau, assistants, clerks, and other employees employed by the department. He shall be the acting chief engineer during the temporary absence from the Territory of, or during a vacancy in the office of, the chief engineer.” [L. 1943, c. 13, pt. of s. 1; R. L. 1945, s. 6377; am. L. 1951, c. 228, s. 1; am. L. 1953, c. 70, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 9, 1953.) S. B. 294, Act 70.

§ 6378. **Bureaus created; functions, duties.** Am. L. 1949, Act 212 [B-183]; Am. L. 1951, Act 229 [B-139].

§ 6378.01. **Revenues, waterworks, etc.** NEW, L. 1947, Act 40 [B-112]. See L. 1949, Act 86 [B-185].

§ 6380. **Special fund, sewers.** Am. L. 1947, Act 222 [B-113].

§ 6381. Rep. L. 1945, Act 93 [B-126].

### HAWAII HOSPITALS

§ 6381.01. **Establishment of the Puumalle and Hilo Memorial Hospital.** NEW, L. 1951, Act 29 [B-140].

§ 6381.02. **Managing committee, Puumalle and Hilo Memorial Hospital; establishment thereof.** NEW, L. 1951, Act 29 [B-140].

§ 6381.03. **Managing committee; appointment, terms, powers and duties.** NEW, L. 1951, Act 29 [B-140].

§§ 6382-6385. Rep. L. 1951, Act 29 [B-140].

§§ 6386-6401. Rep. L. 1947, Act 212 [B-106].

§ 6402. (a) **Organization.** Am. L. 1951, Act 144 [B-141].

§ 6402.04. **Hawaii Fire Dept.** NEW, L. 1947, Act 174 [B-114].

§§ 6405.01-.03. Board of water supply, county of Hawaii. NEW, L. 1949, Act 86 [B-185].

§ 6405.04. General management. NEW, L. 1949, Act 86 [B-185]; Am. L. 1951, Act 153 [B-142], Act 171 [B-143].

§§ 6405.05-.08. Legal department, purchases and contracts, etc. NEW, L. 1949, Act 86 [B-185].

§ 6405.09. Accounts, revenues and expenditures. NEW, L. 1949, Act 86 [B-185]; Am. L. 1951, Act 171 [B-143].

§ 6405.09A. Audits. Am. L. 1951, Act 171 [B-143].

§§ 6405.10-.12. Reserve Fund, Bond sales, etc. NEW, L. 1949, Act 86 [B-185].

§ 6405.13. Rates. NEW, L. 1949, Act 86 [B-185]; Am. L. 1951, Act 159 [B-144].

§§ 6405.14-.18. Acquisition of lands, agreements, etc. NEW, L. 1949, Act 86 [B-185].

§§ 6406.01-.06. Hawaii recreation commission. NEW, L. 1949, Act 221 [B-186].

§ 6407.01. Definitions. NEW, L. 1949, Act 356 [B-187]; Am. Sp. L. 1949, Act 33 [B-27].

§§ 6407.02-38. Hawaii improvements by assessments. NEW, L. 1949, Act 356 [B-187].

## Chapter 125. PROVISIONS SPECIFIC FOR KAUAI.

§ 6411. Salaries, Kauai. Am. L. 1947, Act 209 [B-107]; Am. L. 1951, Act 221 [B-137]; Am. L. 1953, Act 278 [A-5], *supra*.

§ 6412. Supervisors, etc. Am. L. 1945, Act 75 [B-128].

§ 6412.01. Enactment of standard codes by reference. NEW, Sp. L. 1949, Act 53 [B-28].

§ 6413. Dentist, appointment, qualifications. Am. L. 1949, Act 16 [B-188].

§ 6414. Appropriations. Am. L. 1949, Act 16 [B-188].

§ 6414.01. Rep. L. 1949, Act 16 [B-188].

## KAUAI VETERANS MEMORIAL HOSPITAL

§§ 6414.02-.04. Kauai Veterans Memorial Hospital; Federal aid. NEW, L. 1951, Act 73 [B-146].

§ 6416. Hospital fund. NEW, L. 1947, Act 51 [B-115]; § 6416, as it appeared in 1945, rep. L. 1945, Act 93 [B-126].

§§ 6417.01-.11. Subdivision control in the County of Kauai. NEW, L. 1951, Act 271 [B-147].

§§ 6421-6428. Kauai county waterworks board. Am. L. 1951, Act 152 [B-148].

§ 6428.01. Suits by and against board. NEW, L. 1947, Act 37 [B-116]; Am. L. 1951, Act 152 [B-148].

Old §§ 6430-6445. Rep. L. 1947, Act 212 [B-106], however, see L. 1951, Act 51 [B-149].

## KAUAI FIRE DEPARTMENT

§§ 6430-6446. Kauai fire department. L. 1951, Act 51 [B-149].

## Series B-145: ACT 121

An Act to Amend Chapter 125 of the Revised Laws of Hawaii 1945 By Inserting Therein a New Section Numbered 6447 Relating to County of Kauai Planning and Traffic Commission.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 125 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section numbered 6447 to read as follows:

**"Sec. 6447. County of Kauai planning and traffic commission.** The board of supervisors shall have the power to create a county planning and traffic commission to be charged with the following duties:

(a) To formulate a master plan providing for the future growth, development and beautification of the county of Kauai in its public and private buildings, streets, roads, grounds and vacant lots;

(b) To formulate subdivision and zoning regulations;

(c) To advise the board in the regulation of traffic;

(d) To recommend the establishment of building zones, and

(e) To perform such other duties as the board may prescribe." [L. 1953, c. 121, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 21, 1953.) **H. B. 1064, Act 121.**

**KAUAI COUNTY, IMPROVEMENTS BY ASSESSMENT**

§§ 6448.01-38. **Kauai county; improvements by assessment.** NEW. L. 1951, Act 290 [B-150].

Chapter 126. PROVISIONS SPECIFIC FOR MAUI.

§ 6451. **Salaries, Maui.** Am. L. 1947, Act 209 [B-107]; Am. L. 1951, Act 221 [B-137]. Am. L. 1953, Act 278 [A-5], supra.

**Series B-146: ACT 10**

An Act to Amend Section 6452 of the Revised Laws of Hawaii 1945, to give representation to the Islands of Lanai and Molokai on the Board of Supervisors of the County of Maui.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6452 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 6452. Maui supervisors, number, election, representation, tenure, chairman.** The board of supervisors of the county of Maui shall consist of nine members, all of whom shall be elected at large from among those who have been qualified electors of the county for at least one year prior to their election. Eight of such officers

shall be elected as members only, while the ninth shall be elected as chairman and executive officer of the board, and all shall hold office for a term of two years and until their successors are elected and qualified. Of the eight officers who shall be elected as members, at least one shall have been a resident elector of the island of Molokai (except that portion defined as the county of Kalawao) for at least one year immediately prior to his election, and at least one shall have been a resident elector of the island of Lanai for at least one year immediately prior to his election. The clerk of the county of Maui shall prescribe such modification of the form of the ballots, for both the primary and general elections, as shall secure such representation for the islands of Molokai and Lanai. All such elections shall otherwise be conducted in the manner prescribed by law for the election of county officers." [L. 1911, c. 149, s. 1; am. L. 1913, c. 69, s. 1; R. L. 1925, s. 1587; am. L. 1929, c. 98, s. 1; R. L. 1935, s. 2907, R. L. 1945, s. 6452; am. L. 1953, c. 10, s. 1.]

SECTION 2. The tenure of office of the present chairman and members of the board of supervisors of the county of Maui shall not be reduced by reason of this Act, but the next regular election for the board of supervisors shall be held in conformity herewith, and the persons thereupon elected shall qualify and take office as otherwise provided by law for the county officers. Vacancies in the board of supervisors occurring prior to the time when the officers elected hereunder shall take office shall be filled in accordance with the provisions of law prior to the passage of this Act.

SECTION 3. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved April 15, 1953.) **S. B. 64, Act 10.**

§ 6452.01. **Enactment of standard codes by reference.** NEW, Sp. L. 1949, Act 53 [B-28].

§ 6452.02. **Regulation of motor vehicle common carriers.** NEW, L. 1951, Act 55 [B-145].

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### Series B-147: ACT 99

An Act to Amend Chapter 126 of the Revised Laws of Hawaii 1945 by Inserting Therein a New Section Numbered 6452.03 Relating to County of Maui Planning and Traffic Commission.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 126 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section numbered 6452.03 to read as follows:

**"Sec. 6452.03. County of Maui planning and traffic commission.** The board of supervisors shall have the power to create a county planning and traffic commission to be charged with the following duties:

(a) To formulate a master plan providing for the future growth, development and beautification of the county of Maui in its public and private buildings, streets, roads, grounds and vacant lots;

(b) To formulate subdivision and zoning regulations;

(c) To advise the board in the regulation of traffic;

(d) To recommend the establishment of building zones; and

(e) To perform such other duties as the board may prescribe." [L. 1953, c. 99, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) **H. B. 1063, Act 99.**

### Series B-148: ACT 83

An Act to Authorize the Board of Supervisors of the County of Maui to Provide for Public Improvements Notwithstanding the Provisions of Act 271 (Series B-193) of the Session Laws of Hawaii 1949, Known as the Improvement District Statute.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[6452.04]. SECTION 1. [Improvement of existing highways.] The board of supervisors of the county of Maui shall be authorized and empowered to widen, reconstruct, realign, or otherwise improve any existing highways, streets, roads, lanes or ways within the urban district as defined in Act 271 (Series B-193) of the Session Laws of Hawaii 1949, without complying with the provisions of said Act. [L. 1953, c. 83, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) **H. B. 561, Act 83.**

§ 6457. Rep. L. 1945, Act 93 [B-126].

§ 6458. **Kula Sanitarium; managing committee duties.** Am. L. 1951, Act 94 [F-319].



Old §§ 6459-63. Rep. L. 1945, Act 41 [B-130]; however, see L. 1949, Act 8 [B-190], NEW §§ 6459-63.

§ 6459. **Maui hospital managing committee.** NEW, L. 1949, Act 5 [B-189]; Am. L. 1951, Act 9 [B-151].

§ 6460. **Maui hospitals.** NEW, L. 1949, Act 5 [B-189].

### Series B-149: ACT 247

An Act Relating to the Maui Hospital Managing Committee and Its Subordinates and Amending Sections 6459, as Amended, and 6460 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The title and first paragraph of section 6459, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended to read as follows:

**"Sec. 6459. Appointment; qualification; tenure.** There is hereby created a committee of seven members to be known as the Maui hospital managing committee who shall be appointed by the chairman and executive officer of the board of supervisors of the county of Maui with the approval of the board, who shall serve as such without compensation but each member shall be entitled to receive his actual traveling and other reasonable expenses incurred in the performance of his duties. Such members shall serve for a term of five years, **provided**, however, that of the members first to be appointed under this Act, one shall be appointed for a term of two years, two for a term of three years, two for a term of four years and two for a term of five years. Any vacancy which shall occur during a term shall be filled for the unexpired portion thereof only. Not more than four of the members of the committee shall be members of the same political party." [L. Sp. 1941, c. 48, pt. of s. 1; R. L. 1945, s. 6459; am. L. 1949, c. 5, pt. of s. 1; am. L. 1951, c. 9, s. 1; am. L. 1953, c. 247, s. 1.]

SECTION 2. Section 6460 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 6460. General superintendent; other employees; compensation.** The committee, subject to any applicable civil service or classification laws, may appoint, at its discretion, and may suspend or remove a general superintendent, who shall not be a member of the managing committee, who shall have such authority as the committee may delegate to him, and shall have full powers to administer the affairs of the hospital covered by this

subtitle subject to the approval and rules of the committee. The managing committee, subject to any applicable civil service or classification laws, shall appoint and may suspend or remove such other employees, subordinates and assistants as may be necessary for the proper conduct of the business and duties of the committee and for which appropriations are available. The compensation of the general superintendent and all other employees shall be fixed by law. In the absence of any classification law, such compensation shall be fixed by the committee." [L. Sp. 1941, c. 48, pt. of s. 1; R. L. 1945, s. 6460; am. L. 1949, c. 5, pt. of s. 1; am. L. 1953, c. 247, s. 2.]

SECTION 3. The provisions of **section 6459** of said Revised Laws, as amended by this Act, to the contrary notwithstanding, the present members of the Maui hospital managing committee shall continue in office until the expiration of their respective terms unless vacancies in their respective offices sooner occur by reason of resignation, death or other cause.

All employees under the authority of the committee, whose qualifications conform to this Act, in service at the effective date of this Act, shall be retained in their respective positions subject to dismissal only in accordance with the provisions of chapter 2, as amended, of the Revised Laws of Hawaii 1945. [L. Sp. 1941, c. 48, pt. of s. 1; R. L. 1945, s. 6459; am. L. 1949, c. 5, pt. of s. 1; am. L. 1951, c. 9, s. 1; am. L. 1953, c. 247, s. 3.]

SECTION 4. This Act shall take effect ten days after promulgation as required by Section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 12, 1953.) **S. B. 344, Act 247.**

§§ **6461-63. Maui hospitals.** NEW, **L. 1949, Act 5** [B-189].

Old § **6464**, rep. **L. 1947, Act 25** [B-117]; however see new.

§ **6464. Department created; powers, duties and functions.** NEW, **L. 1949, Act 8** [B-190].

§ **6465. County engineer.** Am. **L. 1949, Act 8** [B-190].

Old § **6466**, rep. **L. 1947, Act 25** [B-117]; however see new.

§ **6466. Deputies, assistants and employees.** NEW, **L. 1949, Act 8** [B-190].

§ **6466.01. Sewer system employees not to work on water systems.** NEW, **L. 1949, Act 85** [A-191].

Old §§ **6467-83**, rep. by **L. 1947, Act 212** [B-106], however see new.

§§ **6467-69. Maui fire dept.** NEW, **L. 1949, Act 25** [B-192].

## Series B-150: ACT 29

An Act adding Section 6470 to the Revised Laws of Hawaii 1945, to provide for a volunteer fire fighting department in the Makawao District, County of Maui.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6470 is hereby added to the Revised Laws of Hawaii 1945, as amended, to read as follows:

**"Sec. 6470. Volunteer fire fighting department; Makawao district.** The chief engineer may establish and organize a volunteer fire fighting department in the Makawao district, county of Maui, subject to the approval of the board of supervisors. Equipment for the volunteer fire fighting department may be furnished by the county of Maui. Such volunteers to serve as firemen as is deemed necessary may be selected by the chief engineer to operate the fire fighting equipment, as furnished." [L. 1939, c. 104, pt. of s. 1; R. L. 1945, s. 6470; am. L. 1953, c. 29, s. 1.]

SECTION 2. The chief engineer of the Maui fire department and the board of supervisors of the county of Maui are hereby authorized to carry out the provisions of this Act.

SECTION 3. This Act shall take effect upon its approval. (Approved April 25, 1953.) **H. B. 191, Act 29.**

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**§§ 6485.01-39. Maui improvements by assessments. NEW, L. 1949, Act 271 [B-193]. See L. 1949, Act 289 [B-194].**

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## Series B-151: ACT 201

An Act Relating to Improvements by Assessment in the County of Maui, and Amending Act 271 of the Session Laws of Hawaii 1949.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 6485.01**]. SECTION 1. Act 271 of the Session Laws of Hawaii 1949 is hereby amended in the following particulars:

1. By deleting "(6) The construction of a water system;" and by renumbering "(7)", "(6)" in definition "d" of section 1 of said Act;

2. By deleting from section 7 thereof,
  - (a) The last two sentences of the first paragraph;
  - (b) From the fourth line of the second paragraph, the punctuation and words, “, water system”;
  - (c) The second, third and fourth sentences of the second paragraph;
  - (d) From the penultimate sentence of the third paragraph the punctuation and word “, water”;
3. By deleting from the first paragraph of section 11:
  - (a) The second proviso with the introductory word “and” in the second sentence thereof;
  - (b) The last three sentences of said paragraph;
4. By deleting section 12 of said Act.
5. By deleting section 40. [L. 1949, c. 271, s. 1 (d) d; am. L. 1953, c. 201, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by Section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 5, 1953.) **S. B. 295, Act 201.**

§§ 6487.01-.08. **Board of parks, playgrounds and recreation.** NEW, L. 1951, Act 208 [B-152].

§§ 6490.01-.03. **Maui county water works; definitions, board term.** NEW, L. 1949, Act 289 [B-194].

§ 6490.04. **Powers of board, organization and meetings; rules and regulations.** NEW, L. 1949, Act 289 [B-194]; Am. L. 1951, Act 102 [B-153].

§§ 6490.05-.13. **Rates, board office, powers, etc.** NEW, L. 1949, Act 289 [B-194].

§ 6490.14. **Operating expenses, reserves, subsidization by county.** NEW, L. 1949, Act 289 [B-194]; Am. L. 1951, Act 102 [B-153]; Am. Act 11 [B-154].

§§ 6490.15-.19. **Disbursement of funds, agreements, etc.** NEW, L. 1949, Act 289 [B-194].

### Series B-152: ACT 144

An Act Relating to the Maui County Water Works Board, and Amending Act 289, As Amended, of the Session Laws of Hawaii 1949.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 6490.14**]. SECTION 1. Act 289, as amended of the Session Laws of Hawaii 1949 is hereby further amended:

1. By deleting the words and figures “1951 and 1952” from the second line of the last paragraph of section 14 (**Section 6490.14**), and inserting in lieu thereof the words and figures “1953 and 1954”.

2. By deleting the words "any one year" in the last line of the said last paragraph of section 14 and substituting in lieu thereof the following, "the year 1954 and \$75,000.00 for the year 1955". [L. 1949, c. 289, s. 14; am. L. 1951, c. 11, s. 1; am. L. 1953, c. 144, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved May 29, 1953.) S. B. 266, Act 144.

## Title 18: HONOLULU GOVERNMENT.

### Chapter 127. CITY AND COUNTY OF HONOLULU.

§ 6521. **General powers.** This section was amended as to pars. 2, 5, 12 by L. 1945, Act 27 [[B-131], Act 172 [A-86] and L. 1947, J. R. 17; see also L. 1949, J. R. 8; Am. Act 247 [B-196] amending par. 13; Act 41 [B-195] amending par. 16 and adding new par. 16A, Act 273 [B-197] supplanting and enlarging par. 43 and adding par. 43A; pars. 40-41, rep. L. 1951, Act 129 [A-57]; Am. L. 1953, Act 246 [C-161], *infra*.

§ 6522.01. **Additions to Walkiki Beach Park.** NEW, L. 1945, Act 141 [B-133].

§ 6524. Rep. L. 1945, Act 93 [B-126].

§ 6526. **Police approp.** Am. L. 1945, Act 83 [A-111].

§ 6527.01. **Public off-street parking.** NEW, L. 1945, Act 225 [B-134]; Am. L. 1949, Act 153 [B-169]; Am. L. 1951, Act 108 [B-155].

§ 6528. **Officers, elective; appointive.** Am. L. 1953, Act 105 [A-41], *supra*.

§ 6529.01. **Special elections.** NEW, L. 1947, Act 131 [B-118].

§ 6530. **Office hours.** Am. L. 1949, Act 232 [A-16]; see § 477.

§ 6534. **Employment without authorization prohibited; salaries fixed, how.** Am. L. 1951, Act 25 [B-156].

§ 6547. **Assignment of salary; endorsement of notes; loans.** Am. L. 1949, Act 265 [B-198], rewritten p. 433.

§ 6548. **Salaries of certain officers.** Am. L. 1951, Act 243 [B-157]; Am. L. 1953, Act 278 [A-5], *supra*.

§ 6549. **Salaries of appointive officers.** Am. L. 1949, Act 143 [B-199], Am. L. 1953, Act 278 [A-5], *supra*.

§ 6550. **Salaries of officers and members of the police department; probationary appointments.** Am. L. 1951, Act 261 [B-158].

§ 6551. Rep. L. 1951, Act 261 [B-158].

§ 6552. **Salaries of officers and members of fire department; probationary appointments.** Am. L. 1945, Act 263 [A-4]; Am. L. 1947, Act 106 [B-121]; Am. L. 1949, Act 351 [B-202]; Am. L. 1951, Act 317 [B-159].

§ 6553. Rep. L. 1951, Act 317 [B-159].

§ 6555. Rep. L. 1945, Act 263 [A-4].

## Series B-153: ACT 84

An Act Amending Chapter 127 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Fire Department, City and County of Honolulu.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 127 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respect:

By adding a new section thereto, which is to be numbered as section 6555.01 and to be known as follows:

**"Sec. 6555.01. Car allowance.** In addition to the salaries provided for the members of the fire department, each member of the 'fire prevention inspectional division', who from his own funds furnishes and regularly uses his own automobile in the performance of his official duties, shall be granted an allowance upon such basis as may be approved by the board of supervisors." [L. 1953, c. 84, s. 1.]

SECTION 2. This Act shall take effect upon its approval

(Approved May 18, 1953.) H. B. 576, Act 84.

§ 6559. Returns. Am. L. 1945, Act 236 [B-123], rewritten p. 219.

§ 6563. Certificate, election. Am. L. 1947, Act 131 [B-118], rewritten p. 279.

§ 6564.01. Special elections. NEW, L. 1947, Act 131 [B-118].

§ 6565. Validity of ballot. Am. L. 1953, Act 233 [A-11], supra.

§ 6566. Petition to contest; summons. Am. L. 1953, Act 233 [A-11], supra.

§ 6567. Hearing; judgment. Am. L. 1953, Act 233 [A-11], supra.

§ 6569.01. Disqualification. NEW, L. 1947, Act 131 [B-118].

§ 6590.01. Temporary transfers or loans by the board authorized; bond loan fund created. Am. L. 1951, Act 205 [B-160].

§ 6591. Fund balances and reserve. Am. L. 1947, Act 166 [B-122]; Am. L. 1949, Act 160 [B-203]. See L. 1949, Act 342 [A-159].

§ 6592. Purchases, etc. Am. L. 1947, Act 18 [A-13], rewritten p. 21.

§ 6594. Warrants. Am. L. 1945, Act 138 [B-135]; Am. L. 1947, Act 234 [B-123]. See L. 1947, Act 146 [B-98]; see L. 1949, Act 275 [A-48].

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Series B-154: ACT 259

An Act Amending Sections 6597 and 6598 of the Revised Laws of Hawaii 1945 Relating to Account Records Maintained and Notices Filed by the Treasurer, City and County of Honolulu With Respect to the Payment of Warrants.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 6597** of the Revised Laws of Hawaii 1945 is hereby amended by eliminating the comma (,) after the word "when" in the third line of the second paragraph thereof and deleting from said line the words "from or to whom". [L. 1907, c. 118, s. 96; R. L. 1925, s. 1801; am. L. 1939, c. 242, s. 4 (35); R. L. 1945, s. 6597; am. L. 1953, c. 259, s. 1.]

SECTION 2. **Section 6598** of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the fifteenth line thereof, the words "the name of the payee" and the comma (,) immediately following said deleted words. [L. 1907, c. 118, s. 99; am. L. 1913, c. 142, s. 2; R. L. 1925, s. 1804; am. L. 1927, c. 113, s. 1; R. L. 1935, s. 3081; am. L. 1939, c. 242, s. 4 (37); R. L. 1945, s. 6598; am. L. 1953, c. 259, s. 2.]

SECTION 3. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved June 12, 1953.) **S. B. 504, Act 259.**

§ 6614. **Attorneys, private practice.** Am. L. 1945, Act 95 [A-10], rewritten p. 16.

§ 6627. **Deputy sheriffs and other employees.** Am. L. 1951, Act 266 [C-181].

§ 6636. **Master plan.** Am. L. 1945, Act 7 [B-136]; Am. L. 1947, Act 217 [B-124], rewritten p. 283.

§ 6638. **Necessity for approval of subdivisions required before registration.** Am. L. 1949, Act 222 [B-204]; Am. Sp. L. 1949, Act 37 [B-29].

§ 6638.01. **Subdivision defined.** NEW, L. 1949, Act 222 [B-204].

§ 6639. **Regulation governing the subdivision of land.** Am. L. 1949, Act 222 [B-204].

§ 6639.01. **Approval or disapproval of maps. Procedure. Legal effect of approval of map. Appeal.** NEW, L. 1949, Act 222 [B-204].

§ 6640. **Permits for installation of service utilities in unapproved subdivisions.** Am. L. 1949, Act 222 [B-204].

§ 6640.01. **Improvements in unapproved streets. Prohibited acceptance of unapproved streets.** NEW, L. 1949, Act 222 [B-204].

§ 6641. **Building permits for erection of buildings on unaccepted streets. Injunctions, etc.** Am. L. 1949, Act 222 [B-204].

§ 6642. **Offer, contract, etc., or sale of subdivision or part before map approved and recorded.** Am. L. 1949, Act 222 [B-204]; Am. Sp. L. 1949, Act 37 [B-29].

§ 6642.01. **Conveyance not to be made by lot or block number, etc., until final map approved and recorded.** NEW, L. 1949, Act 222 [B-204]; Am. Sp. L. 1949, Act 37 [B-29].

§ 6642.02. **Violations. Penalties. Remedies.** NEW, L. 1949, Act 222 [B-204].

**Series B-155: ACT 82**

An Act Amending Chapter 127 of the Revised Laws of Hawaii 1945, by Adding a New Section thereto to be Designated Section 6648.01 and Dealing with the Liability of Third Persons Causing Injuries to Policemen and Firemen.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 127 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered section 6648.01 and reading as follows:

**"Sec. 6648.01. Liability of third persons.** When the city and county pays benefits or incurs medical expenses under the provisions of sections 6648 and 6649 of the Revised Laws of Hawaii 1945 for an injury sustained under circumstances creating in some person other than the city and county a legal liability to pay damages in respect thereto, the city and county may proceed at law against that person and recover all payments and medical expenses made, paid or due under the provisions of said sections 6648 and 6649." [L. 1953, c. 82, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) **S. B. 623, Act 82.**

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**Series B-156: ACT 250**

An Act to Amend Section 6648 and Repeal Section 6649 of the Revised Laws of Hawaii 1945, Relating to Salary and Medical Care of Injured Police and Firemen.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 6649** of the Revised Laws of Hawaii 1945 is hereby repealed, and section 6648 of the Revised Laws of Hawaii 1945 is hereby amended to read:

**"Sec. 6648. Injured police and firemen.** Whenever any employee of the police department or fire department of the city and county receives personal injury by accident arising out of and in performance of his duty, and without negligence on his part, he shall be continued on the payroll of his respective department at his full regular monthly salary during the first four months of his disability and thereafter during the period of his total



disability from work at sixty per centum of his regular monthly salary. He shall further be entitled to all rights and remedies allowable under chapter 77; **provided**, however, that salary paid under this section shall be applied on account of any compensation allowed him under chapter 77 or any benefits awarded him under chapter 121, part I." [L. 1931, c. 75, s. 1; am. L. 1933, c. 156, s. 1; R. L. 1935, s. 3113; R. L. 1945, s. 6648; am. L. 1953, c. 250, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953.

(Approved June 12, 1953.) **S. B. 410, Act 250.**

## Chapter 129. HIGHWAYS, IMPROVEMENT BY ASSESSMENT.

§ **6701. Method.** Am. L. 1947, Act 211 [B-125]; Am. L. 1949, Act 267 [B-205].

§ **6702. Sanitary sewerage systems.** Am. L. 1947, Act 44 [B-126].

### Series B-157: ACT 263

An Act to Amend Sections 6702, 6704, 6709, 6712 and 6713 of Chapter 129, Revised Laws of Hawaii 1945, as Amended, Relating to Highways and Improvement by Assessment.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 129 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By amending **section 6702**, as amended, by substituting the figure "6" for the figure "4" in line seven of said section. [L. 1927, c. 98, s. 1; R. L. 1935, s. 3181; am. L. 1939, c. 210, s. 1; R. L. 1945, s. 6702; am. L. 1947, c. 44, s. 1; am. L. 1953, c. 263, s. 1 (1).]

(2) By amending **section 6704**, as amended by amending the first sentence thereof to read as follows:

"Whenever (1) any public land, or (2) any land by law exempted from assessments of the character provided for in this chapter, or (3) any land exempted by law from payment of property taxes which land is owned by a society, association or corporation engaged in religious, charitable, educational, scientific, literary or other benevolent purposes, whose charter or other enabling Act contains a provision that, in the event of dissolution, the land owned by such society, association or corpora-

tion and herein exempted from assessments shall be distributed to another society, association or corporation engaged in religious, charitable, educational, scientific, literary or other benevolent purposes, forms part of any improvement district or fronts upon any street, alley or other highway to be opened or improved or along which a storm drainage system or water system or street lighting system is to be constructed or improved independently and would, if privately owned or not exempt from such assessment, be subject to assessment, the board shall, nevertheless, without assessing such public or exempted land for any part of the cost of such improvements, by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which would otherwise be assessable against the same in a lump sum or, at the election of the board, in such equal installments and with such interest thereon as the board shall determine; and with respect to any such proposed improvement where any part of the cost is thus to be borne by the city and county, the board shall have the same right of approval or protest as though the city and county were the private owner of the public or exempted land so involved." [L. 1919, c. 241, pt. of s. 2; R. L. 1925, s. 1852; am. L. 1925, c. 191, s. 2; am. L. 1929, c. 110, s. 1; am. L. 1932, 2d, c. 69, s. 1; R. L. 1935, s. 3183; R. L. 1945, s. 6704; am. L. 1949, c. 267, s. 1 (3); am. L. 1953, c. 263, s. 1 (2).]

(3) By deleting the second paragraph of **section 6709** and substituting therein the following:

"No such improvement shall be approved by the board unless the assessed valuation for taxation purposes of the land to be so improved is equal to or more than the cost of the proposed improvement; **provided**, however, if the cost of the proposed improvement exceeds the assessed valuation of the land to be so improved, the improvement may be approved by the board upon deposit of cash or certified check to the extent of the amount by which the cost of improvement exceeds the assessed valuation of the land to be so improved." [L. 1927, c. 98, s. 3; am. L. 1929, c. 205, s. 1; am. L. 1931, c. 234, s. 1; R. L. 1935, s. 3188; R. L. 1945, s. 6709; am. L. 1947, J. R. 23; am. L. 1953, c. 263, s. 1 (3).]

(4) By amending **section 6712** by inserting the phrase "except for public improvements where the amount of assessment is fixed by law" before the semicolon on the seventeenth line of said section. [L. 1913, c. 131, s. 6; am. L. 1915, c. 164, s. 6; am. L. 1917, c. 239, s. 5; am. L. 1921, c.

75, s. 1; am. L. 1923, c. 54, s. 1; R. L. 1925, s. 1858; R. L. 1935, s. 3190; R. L. 1945, s. 6712; am. L. 1953, c. 263, s. 1 (4).]

(5) By amending **section 6713** by adding at the end thereof a paragraph reading as follows:

“The board may, any other provision of the law to the contrary notwithstanding, give notice and hold the assessment hearing as aforesaid prior to advertising for bids on any project in which the total assessment is based on a rate fixed by law.” [L. 1913, c. 131, s. 7; am. L. 1915, c. 164, s. 7; am. L. 1917, c. 239, s. 6; R. L. 1925, s. 1859; R. L. 1935, s. 3191; am. L. 1937, c. 51, s. 1; R. L. 1945, s. 6713; am. L. 1953, c. 263, s. 1 (5).]

**SECTION 2.** By amending all other sections of said chapter 129 of the Revised Laws of Hawaii 1945, as amended, inconsistent with the foregoing amendments, so as to conform thereto.

**SECTION 3.** The provisions of this Act are declared to be severable, and if any portion of this Act, or if the application of this Act or any portion thereof to any person, circumstance or property, is held invalid for any reason, the validity of the remainder of this Act, or the application of this Act or of such portion thereof to other persons, circumstances or property, shall not be affected.

**SECTION 4.** This Act shall take effect upon its approval.

(Approved June 12, 1953.) **S. B. 558, Act 263.**

§ **6703.** Rep. **L. 1949, Act 267 [B-205].**

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### Series B-158: ACT 272

An Act Relating to Highway Improvement Assessment and Real Property Tax Exemptions, and Amending Section 5151, as Amended, of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 6703.1**]. **SECTION 1. [Kawaiahao Church.]** Any other law to the contrary notwithstanding, the land designated as Tax Map Key 2-9-22-8 and owned by the Kawaiahao Church shall be exempt from assessments of the character provided by chapter 129 of the Revised Laws of Hawaii 1945, as amended. [L. 1953, c. 272, s. 1.]

**SECTION 2.** The assessment which would have been made against such land but for this Act, shall be paid for as

provided by section 6704 of the Revised Laws of Hawaii 1945, as amended, for land by law so exempted.

SECTION 3. Sections 1 and 2 of this Act shall apply to any improvement by assessment heretofore or hereafter provided for, but nothing in this Act shall be construed as authorizing any refund of any such assessments heretofore paid.

SECTION 4. **Section 5151**, subsection (a), as amended, of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto the following:

"68. All real and personal property owned and used exclusively by the Kawaiaha'o Church in the Territory." [L. 1895, c. 12, s. 1; L. 1896, c. 51, s. 33; am. L. 1909, c. 141, s. 1; am. L. 1911, c. 140, s. 1; am. L. 1911, c. 146, s. 7; am. L. 1913, c. 146, s. 1; am. L. 1915, c. 112, s. 1; am. L. 1917, c. 222, s. 8; am. L. 1920, c. 24, s. 1; am. L. 1921, c. 73, ss. 1 and 2; am. L. 1923, c. 153, s. 1; am. L. 1923, c. 187, s. 1; am. L. 1923, c. 233, s. 1; R. L. 1925, s. 1325; am. L. 1925, c. 106, s. 1; am. L. 1925, c. 159, ss. 1, 2; am. L. 1925, c. 160, s. 1; am. L. 1927, c. 67, s. 1; am. L. 1927, c. 162, s. 1; am. L. 1929, c. 65, s. 1; am. L. 1931, c. 205, s. 1; am. L. 1932, 2d, c. 22, s. 1; am. L. 1932, 2d, c. 41, s. 2; R. L. 1935, s. 1977; am. L. 1935, c. 46, s. 2 and c. 7, s. 1; L. 1937, c. 131, s. 1; L. 1939, c. 249, ss. 1, 2, 3; L. 1941, c. 209, ss. 1, 2; L. 1943, c. 151, s. 1; R. L. 1945, s. 5151; am. L. 1945, c. 234, s. 1, c. 224, s. 1, c. 221, s. 1; am. L. 1947, c. 149, s. 1; am. L. 1949, c. 285, s. 1; am. L. 1951, c. 172, s. 4, c. 323, ss. 1, 2, 3; am. L. 1953, c. 272, s. 4.]

SECTION 5. This Act shall take effect upon its approval but shall be retroactive to January 1, 1953.

(Approved June 15, 1953.) **H. B. 671, Act 272.**

§ 6704. **Public land exempt from taxation, etc.** Am. L. 1949, Act 267 [B-205]; Am. L. 1953, Act 263 [B-157], *supra*.

§ 6705. **Certain costs to be borne by municipality.** Am. L. 1947, Act 211 [B-125]; Am. L. 1949, Act 267 [B-205].

§ 6705.01. **Water system: costs which board of water supply may assume.** NEW, L. 1949, Act 267 [B-205].

§ 6706. **Initial procedure.** Am. L. 1949, Act 267 [B-205].

§ 6708. **Petition of owners.** Am. L. 1949, Act 267 [B-205].

§ 6709. **Petition by owners of one hundred per centum of frontage or area.** Am. L. 1947, J. R. 23; Am. L. 1953, Act 263 [B-157], *supra*.

§ 6710. **Determination by supervisors.** Am. L. 1947, Act 145 [B-127]; Am. L. 1949, Act 267 [B-205].

§ 6711. **Compliance with provisions relating to city planning commission necessary.** Am. L. 1949, Act 222 [B-204].

§ 6712. **Contract, boards, bonds.** Am. L. 1953, Act 263 [B-157], *supra*.

§ 6712.01. Water system; inspection of work by board of water supply; use of system after completion. NEW, L. 1949, Act 267 [B-205].

§ 6713. Notice of improvement authorized. Am. L. 1953, Act 263 [B-157], *supra*.

§ 6725. Payment before maturity. Am. L. 1949, Act 267 [B-205].

## Chapter 130. PARKS AND RECREATION.

§ 6760.01. Construction of terms. NEW, L. 1945, Act 237 [B-137].

§§ 6761-63. Board of public parks and recreation established, etc. Am. L. 1945, Act 237 [B-137].

§§ 6764-67. General office, rules, reports, etc. Am. L. 1945, Act 237 [B-137].

§ 6768. Parks, recreation and playgrounds in charge of board. Am. L. 1945, Act 237 [B-137]; Am. L. 1947, Act 120 [B-128], rewritten pp. 289-90; Am. L. 1949, Act 185 [A-32].

§ 6768.01. Waikiki war memorial natatorium. NEW, L. 1949, Act 6 [B-206].

§§ 6768.02-.03. Waikiki beach patrol. NEW, L. 1949, Act 127 [B-207].

§ 6769. Purchase and sale of public parks and recreational property; contracts. Am. L. 1945, Act 237 [B-137]; Am. L. 1949, Act 93 [B-208].

§ 6770. Appointment of employees. Am. L. 1945, Act 237 [B-137].

§ 6771. Gifts. Am. L. 1945, Act 237 [B-137].

§ 6772. Appropriations. Am. L. 1945, Act 237 [B-137], Am. L. 1945, Act 83 [A-111]; Am. L. 1947, Act 120 [B-128].

§ 6773. Disbursement of funds. Am. L. 1945, Act 237 [B-137].

§ 6774. Income from operation of parks, playgrounds and recreational facilities. Am. L. 1951, Act 215 [B-161].

§ 6775. Political activities prohibited. Am. L. 1945, Act 237 [B-137].

§ 6776. Territorial park system. NEW, L. 1949, Act 185 [A-32].

## Chapter 131. HONOLULU POLICE.

§ 6809. Specific duties. Am. L. 1947, Act 139 [B-129], rewritten p. 291.

§ 6810. Service of process. Am. L. 1947, Act 139 [B-129], rewritten p. 291.

§ 6812. Balance of appropriations. Am. L. 1945, Act 91 [B-138].

### Series B-159: ACT 31

An Act to Repeal Section 6812 of the Revised Laws of Hawaii 1945, as Amended, relating to the Honolulu Police Department.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6812 of the Revised Laws of Hawaii 1945, as amended by Act 91, Session Laws of Hawaii 1945,

is hereby repealed. [L. 1943, c. 184, s. 3; R. L. 1945, s. 6812; am. L. 1945, c. 91, s. 1; am. L. 1953, c. 31, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved April 25, 1953.) **S. B. 255, Act 31.**

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## Chapter 132. WATER SUPPLY, BOARD OF.

§ 6865.67. **Amending subtitles: water resources, artesian wells, etc.** Am. L. 1949, Act 3 [B-209].

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## PART C

### Title 19: BUSINESS, ETC., \* \* \* IN COUNTIES.

#### Chapter 133. COUNTY LICENSES, GENERALLY.

§ 7019. **Public auction unlawful when.** Am. L. 1951, Act 196 [C-162].

§ 7024. **Place of public auction room.** Am. L. 1951, Act 196 [C-162].

§ 7024.1. **Suit to enjoin violation and action for damages.** Am. L. 1951, Act 196 [C-162].

§ 7031. **Auctioneer's charges.** Am. L. 1951, Act 186 [C-163].

§ 7036.01. **Minors, etc., games.** NEW, L. 1945, Act 36 [C-139].

#### Series C-160: ACT 261

An Act Regulating the Operation of Ball or Marble Games; Making it an Offense to Permit Certain Minors to Play Said Games; Amending Section 7036.01 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 133 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended as follows:

(a) By amending section 7036.01 as enacted by Act 36 (Series C-139), Session Laws of Hawaii 1945, to read as follows:

“Sec. 7036.01. **Offense to permit certain minors to loiter or to play machines; penalty.** It shall be unlawful for any person operating or in charge of the operation of any ball or marble game, as defined in section 7035, or any dart or similar game for which a fee is charged for playing, to permit any person under the age of eighteen years unaccompanied by either a parent or guardian, or an adult person duly authorized by a parent or guardian to accompany such child to loiter about or

to play such game, and upon conviction therefor, such person shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than thirty days, or both." [L. 1945, c. 36, s. 1; am. L. 1953, c. 261, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **S. B. 522, Act 261.**

**§ 7037. Fee. Am. L. 1949, Act 15 [C-210].**

**§ 7038. Regulations; penalty, forfeiture. Am. L. 1949, Act 15 [C-210].**

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### Series C-161: ACT 246

An Act Relating to the Slaughtering of Animals for Human Consumption; Providing for the Licensing of Slaughter Houses, Meat Inspection, Certification of Brand Record, the Charging of Fees for Licensing and Inspecting; Providing Offenses and Penalties Therefor; Repealing Sections 7040 and 7042 and Amending Sections 7041 and 6521 Subsection 8 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 133 of the Revised Laws of Hawaii 1945 is hereby amended by repealing **section 7040** thereof and inserting in lieu thereof the following numbered sections:

**"Sec. 7040.01.** It shall be unlawful for any person to slaughter or cause to be slaughtered any animal for the purpose of selling the meat or products thereof for human consumption without complying with the provisions of this Act; **provided,** however, that any animal slaughtered pursuant to federal law (34 United States Statute 674 approved June 30, 1906 and 34 United States Statute 1260 approved March 4, 1907) or any regulation promulgated thereunder, and such animal having been inspected and approved by federal inspectors, shall be exempt from the provisions of this Act. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.02.** No animal shall be slaughtered for the purpose of selling the meat or products thereof for human consumption except in a slaughter house approved and licensed by the board of commissioners of agriculture and forestry and subject to the supervision of veterinarians and meat inspectors duly authorized by the board of commissioners of agriculture and forestry or by the bureau of animal industry of the United States depart-

ment of agriculture. As used herein, 'animal' shall mean any sheep, swine or goat, or any member of the bovine or equine family. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.03.** The board of commissioners of agriculture and forestry is hereby authorized and empowered to issue, subject to the approval of the board of health, certificates of sanitation to the slaughter houses within the Territory which meet minimum sanitary specifications required (1) for the slaughtering of animals for the purpose of selling the meat or products thereof for human consumption and (2) for the storing and handling of such meat and meat products. The said board of commissioners of agriculture and forestry is further authorized and empowered to make and adopt rules and regulations subject to the provisions of section 466 of the Revised Laws of Hawaii 1945, as amended, having the force and effect of law and governing the issuance and revocation of such certificates and the minimum sanitary specifications required to be met in connection therewith and prescribing forms, requiring reports, and providing for periodic renewals of such certificates. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.04.** The board of commissioners of agriculture and forestry is hereby authorized and empowered to issue licenses to slaughter houses having certificates of sanitation issued under section 7040.03 licensing such slaughter houses to slaughter animals for the purpose of selling the meat or products thereof for human consumption. Such licenses shall be issued upon application therefor in such form as the board may prescribe and the payment of an annual fee of twenty-five dollars. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.05.** The board of commissioners of agriculture and forestry is further authorized and empowered to make and adopt rules and regulations subject to the provisions of section 466 of the Revised Laws of Hawaii 1945, as amended, having the force and effect of law and governing the following matters:

- (a) The issuance of licenses, including the class or classes of licenses to be issued;
- (b) The type of equipment which may be used in slaughtering operations;
- (c) The internal operations of slaughter houses during slaughtering operations;



(d) Inspection procedures for ante mortem and post mortem inspections and the disposal of diseased carcasses and parts of carcasses;

(e) The hours of slaughtering and conditions under which slaughtering may be conducted at other than scheduled times; and

(f) The storing and handling of meat and meat products at slaughter houses. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.06.** The board of commissioners of agriculture and forestry is hereby authorized to employ on a full time basis such veterinarians and meat inspectors as are necessary to carry out a uniform system of meat inspection throughout the Territory; **provided**, however, that all lay meat inspectors and veterinarians included in the meat inspection program of the board of health department on the effective date of this Act shall be transferred over to the jurisdiction of the board of commissioners of agriculture and forestry, for the purpose of carrying out the provisions of this Act. All meat inspectors shall be under the supervision and control of a veterinarian of the board of commissioners of agriculture and forestry and such veterinarians as shall be charged with meat inspection shall be prohibited from carrying on private practice for profit which involves the treatment of any animal which may be slaughtered for human consumption. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.07.** All animals slaughtered by any slaughter house duly licensed under this Act shall be inspected by meat inspectors duly authorized by the board of commissioners of agriculture and forestry, both before and after slaughtering, and no such animal shall be slaughtered, or after slaughtering shall be sold in whole or in part for human consumption unless the slaughtering thereof or the selling thereof, after slaughtering, is approved by such meat inspectors. The board of commissioners of agriculture and forestry shall assess an inspection fee of 25¢ per capita for swine, sheep and goats and inspection fee of \$1.00 per capita for all others. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.08.** Whenever pursuant to law, a veterinarian or other person required to inspect animals when slaughtered, inspects any slaughtered animal, such veterinarian or other person shall certify to the correctness of the brand record kept by any licensee hereunder. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.09.** The license fees collected under section 7040.04 and the inspection fees collected under section 7040.07 shall be deposited in the general fund of the Territory. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.10.** The board of commissioners of agriculture and forestry is authorized and empowered to delegate any of its duties and powers hereunder, except the power to make rules and regulations, to any appropriate subordinates, agents or employees of the board as may be necessary to carry out the purposes hereof. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.11.** Any person violating any of the provisions of this Act or any of the provisions of any rule or regulation duly made and adopted under the authority of this Act, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. [L. 1953, c. 246, pt. of s. 1.]

**Sec. 7040.12.** If any section or other portion of this Act, or the application thereof to any person or circumstances, is held unconstitutional or invalid, the remainder of this Act, section or portion thereof, or the application thereof or of the portion concerned to any other persons or circumstances shall not be affected." [L. 1953, c. 246, pt. of s. 1.]

SECTION 2. Chapter 133 of the Revised Laws of Hawaii 1945 is hereby further amended by amending the first two lines of section 7041 to read as follows:

**"Sec. 7041. Bond; records.** Upon granting a license to slaughter animals and for the purpose of selling the meat and products thereof for human consumption, the treasurer shall exact from the licensee a bond in the penal sum". [L. 1896, c. 64, s. 51; R. L. 1925, s. 1996; am. L. 1932, 2d, c. 66, s. 3; R. L. 1935, s. 2437; R. L. 1945, s. 7041; am. L. 1953, c. 246, s. 2.]

SECTION 3. Chapter 133 of the Revised Laws of Hawaii 1945 is hereby further amended by repealing **section 7042.**

SECTION 4. **Section 6521,** subsection 8 is hereby amended by inserting the words "or the board of commissioners of agriculture and forestry" immediately following the word "health" as that word appears in the next to the last line of said subsection 8 of section 6521. [L. 1909, c. 79, pt. of s.

1; am. L. 1919, c. 62, pt. of s. 3; R. L. 1935, s. 3021, par. 6; am. L. 1939, c. 242, s. 4 (15); R. L. 1945, s. 6521 (8); am. L. 1951, c. 129, s. 15 (b); am. L. 1953, c. 246, s. 4.]

SECTION 5. This Act shall take effect July 1, 1953.

(Approved June 12, 1953.) S. B. 220, Act 246.

§§ 7054-62. Rep. L. 1951, Act 106 [A-77].

§§ 7064-7070.01. Rep. L. 1949, Act 84 [A-29], Act 348 [A-36].

§§ 7071-72. Rep. L. 1951, Act 53 [A-33].

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### Series C-162: ACT 168

An Act Amending Section 7079 of the Revised Laws of Hawaii 1945, Relating to County Business Licenses for Restaurants and Fees Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 7079 of the Revised Laws of Hawaii 1945 is hereby amended by changing the period at the end of the first sentence to a semicolon and adding immediately thereafter the words to read as follows:

“provided, however, that in the case of religious, charitable and educational institutions not regularly engaged in such business the fee for such license shall be the sum of one dollar.” [L. 1915, c. 71, s. 2; R. L. 1925, s. 2054; am. L. 1932, 2d, c. 66, s. 9; R. L. 1935, s. 2476; R. L. 1945, s. 7079; am. L. 1953, c. 168, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 2, 1953.) H. B. 676, Act 168.

§ 7085. Fee. Am. L. 1951, Act 146 [C-164].

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### Series C-163: ACT 230

An Act to Amend Section 7102 of the Revised Laws of Hawaii 1945, Relating to Peddlers' Licenses.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 7102 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(1) By substituting for the words “seventy-five” in the third line thereof the words “fifty”.

(2) By substituting for the words “thirty” in the fifth line thereof the words “seventeen dollars and fifty cents”. [L.

1907, c. 96, pt. of s. 1; am. L. 1917, c. 122, s. 1; am. L. 1923, c. 111, s. 1; R. L. 1925, s. 2077; R. L. 1935, s. 2498; am. L. 1935, c. 182, s. 1; am. L. 1939, c. 109, s. 1; R. L. 1945, s. 7102; am. L. 1953, c. 230, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **H. B. 37, Act 230.**

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### Series C-164: ACT 118

An Act to Amend Section 7105 of the Revised Laws of Hawaii 1945, Relating to Annual License Fee to Sell Poisonous Drugs.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7105** of the Revised Laws of Hawaii 1945 is hereby amended by substituting the word "two" for the words "twenty-five" appearing in the first sentence thereof. [L. 1896, c. 64, s. 86; R. L. 1925, s. 2081; am. L. 1933, c. 119, s. 1; R. L. 1935, s. 2501; am. L. 1939, c. 107, s. 1; R. L. 1945, s. 7105; am. L. 1953, c. 118, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 20, 1953.) **H.B. 856, Act 118.**

§ **7117. Application; bond. (Solicitors.)** Am. **L. 1951, Act 147** [C-165].

§ **7119. Fee.** Am. **L. 1951, Act 147** [C-165].

§ **7131. Fee to carry baggage; freight; drive.** Am. **L. 1951, Act 114** [C-166].

§ **7134. Number on vehicle; badge.** Am. **L. 1951, Act 252** [C-167].

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### Series C-165: ACT 117

An Act Directing the Board of Supervisors of the County of Kauai to Contract With the Kauai Humane Society Upon the Subject Matters Contained in Section 7165, Chapter 134, Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Pursuant to the authorization provided in **section 7165**, chapter 134, Revised Laws of Hawaii 1945, the board of supervisors of the county of Kauai is hereby directed to contract with the Kauai Humane Society, an incorporated non-profit association organized under the laws of the Territory of Hawaii for the prevention of cruelty to animals.

upon the subject matters contained in said section 7165 and also to appropriate the moneys collected by the treasurer of the county of Kauai under section 7153, Revised Laws of Hawaii 1945, for use by the Kauai Humane Society. [L. 1941, c. 268, s. 14; R. L. 1945, s. 7165; am. L. 1953, c. 117, s. 1.]

SECTION 2. This Act shall take effect from and after July 1, 1953.

(Approved May 20, 1953.) **H. B. 771, Act 117.**

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### Chapter 135. FIREARMS AND AMMUNITION.

§ 7183. **Registration on transfer; permits to acquire; penalty.** Am. L. 1949, Act 192 [C-211]; Am. Sp. L. 1949, Act 24 [C-30]; Am. L. 1951, Act 304 [C-168].

#### Series C-166: ACT 262

An Act Amending Section 7183 of the Revised Laws of Hawaii 1945, as Amended, Relating to Firearms, the Registration of Firearms, and Permits to Acquire or Possess Firearms.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7183** of the Revised Laws of Hawaii 1945, as amended by Act 192 (Series C-211) of the Session Laws of Hawaii 1949, Act 24 (Series C-30) of the Special Session Laws of Hawaii 1949, and Act 304 (Series C-168) of the Session Laws of Hawaii 1951, is hereby further amended by amending the last sentence of the third paragraph of said section to read as follows:

"No person shall sell, give, loan or deliver into the possession of another any such firearm or ammunition except in accordance with the provisions of this section." [L. 1933-4, c. 26, s. 4; R. L. 1935, s. 2542; am. L. 1939, c. 104, s. 7; am. L. Sp. 1941, c. 78, s. 2; am. L. 1943, c. 62, s. 21 and c. 64, s. 22; R. L. 1945, s. 7183; am. L. 1949, c. 192, s. 1; am. L. 1951, c. 304, s. 1; am. L. 1953, c. 262, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **S. B. 523, Act 262.**

§ 7183.01. **Reports relating to rifles and shotguns; penalty.** Am. L. 1951, Act 304 [C-168].

§ 7184. **Possession by licensed hunters and minors.** Am. L. 1951, Act 304 [C-168].

§ 7186. **Ownership or possession by person convicted of certain crimes prohibited; penalty.** Am. L. 1951, Act 253 [C-169].

## Series C-167: ACT 155

An Act to Amend Chapter 135 of the Revised Laws of Hawaii 1945, As Amended, Relating to Firearms and Ammunition.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 135 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

a. By amending section 7195 thereof to read as follows:

“**Sec. 7195. License to sell and manufacture firearms; fee.** The annual fee for a license to sell and manufacture firearms for sale in the Territory, either at wholesale or retail, shall be ten dollars.” [L. 1921, c. 13, pt. of s. 1; R. L. 1925, s. 2033; R. L. 1935, s. 2554; R. L. 1945, s. 7195; am. L. 1953, c. 155, s. 1 (a).]

b. By inserting the words “and manufacture” after the word “sell” appearing in the first line of section 7196 thereof. [L. 1921, c. 13, pt. of s. 1; R. L. 1925, s. 2034; R. L. 1935, s. 2555; R. L. 1945, s. 7196; am. L. 1953, c. 155, s. 1 (b).]

c. By inserting the words “and manufacture” after the word “sell” appearing in line two of section 7198 thereof. [L. 1921, c. 13, pt. of s. 1; R. L. 1925, s. 2036; R. L. 1935, s. 2557; R. L. 1945, s. 7198; am. L. 1953, c. 155, s. 1 (c).]

SECTION 2. This Act shall take effect upon its approval. (Approved June 1, 1953.) H. B. 871, Act 155.

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Chapter 137. INTOXICATING LIQUOR.

§ 7221. **Definitions.** Am. L. 1945, Act 144 [C-140]; Am. L. 1951, Act 223 [C-170].

§ 7222. **Illegal manufacture, importation or sale of liquor.** Am. L. 1951, Act 223 [C-170].

§ 7225. **Meetings.** Am. L. 1951, Act 223 [C-170].

§ 7231.01. **Fair trade contracts; rules and regulations, enforcement.** NEW, L. 1949, Act 301 [C-212].

§ 7232. **Licenses, classes.** Am. L. 1947, Act 148 [C-130].

§ 7236. **Special conditions, retail dealers' licenses.** Am. L. 1949, Act 301 [C-212], rewritten p. 461.

§ 7244. **Transfer of licenses; penalty.** Am. L. 1949, Act 301 [C-212]; Am. L. 1951, Act 223 [C-170].

§ 7245. **Manufacturers and wholesale dealers, special restrictions.** Am. L. 1949, Act 301 [C-212]; Am. L. 1951, Act 223 [C-170].

§ 7245. Subs. 5. Rep. Am. L. 1951, Act 223 [C-170].

§ 7245.01. **Price posting.** Am. L. 1951, Act 223 [C-170].

§ 7246. **Advertising upon licensed premises.** Am. L. 1949, Act 301 [C-212].

§ 7250.01. **Filing fees with application.** Am. L. 1951, Act 223 [C-170].

- § 7252 (9). **Report by inspector.** Am. L. 1945, Act 217 [C-141].  
 (9) repealed.  
 § 7256. **Further application.** Am. L. 1951, Act 223 [C-170].  
 § 7266. **Prohibitions.** Am. L. 1951, Act 223 [C-170].  
 § 7271. **Payment to be made.** Am. L. 1947, Act 148 [C-130].  
 § 7273. **Rep. L. 1951, Act 223 [C-170].**  
 § 7274. **Prize, gift, premium and other inducement.** Am. L. 1951, Act 223 [C-170].  
 § 7275. **Revocation or suspension of license; hearing.** Am. L. 1949, Act 314 [C-213].  
 § 7276. **Appeals to circuit judge.** Am. L. 1951, Act 280 [C-171].  
 § 7281. **When sale without license authorized.** Am. L. 1951, Act 223 [C-170].  
 § 7281.01. **Liquor consumption prohibited, when.** NEW, L. 1949, Act 147 [C-214].

## Chapter 138. MOTOR VEHICLES: \* \* \* LICENSES.

### PART I: CHAUFFEURS, DRIVERS, ETC.

- § 7301. **Definitions.** Am. L. 1951, Act 168 [C-172].  
 § 7303. **What persons are exempt from license.** Am. Sp. L. 1949, Act 19 [C-32].  
 § 7304 (8). **Minors.** Am. L. 1947, Act 38 [C-131], rewritten p. 294.  
 § 7305. **School busses.** Am. L. 1945, Act 110 [C-142]; Am. L. 1951, Act 254 [C-173].  
 § 7313. **General provisions governing the issue of licenses to operators and chauffeurs.** Am. Sp. L. 1949, Act 35 [C-31]; Am. L. 1951, Act 313 [C-174].

### Series C-168: ACT 26

An Act to Amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as Amended, Relating to Chauffeurs, Drivers and Operators of Motor Vehicles, by Adding Thereto a New Section to be Numbered Section 7317.01, Pertaining to Illegible Licenses.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered section 7317.01 and to read as follows:

**"Sec. 7317.01. Illegible licenses.** Any person holding an operator's license which is illegible shall surrender his license and apply for the issuance of a duplicate license. The duplicate license so issued shall be free from any entries of records of convictions which may have been entered upon the surrendered license,

save and except those records, if any, of convictions during the three years immediately preceding the application for the duplicate license. There shall be charged a fee of fifty cents for the issuance of the duplicate license.

No person shall be subject to punishment for failure to comply with the provisions of this section, **provided**, that where a person has been notified in writing by the chief of police, or deputy chief of police, or assistant chief of police, that his license is illegible, he shall be given ten days in which to surrender his license, and to apply for a duplicate license, and upon his failure to do so within said period, he shall be subject to punishment as provided by law." [L. 1953, c. 26, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 22, 1953.) **H. B. 617, Act 26.**

§ 7319.01. **Authority of examiner of chauffeur to suspend or revoke licenses.** NEW, Sp. L. 1949, Act 19 [C-32].

§ 7322. **When court to forward record of conviction to examiner of chauffeurs.** Am. L. 1951, Act 206 [C-175].

§ 7336. **Application for registration; this part not applicable to certain equipment.** Am. L. 1951, Act 168 [C-172].

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### Series C-169: ACT 69

An Act Providing for the Procuring of Information Upon the Registration of a Motor Vehicle as to the Type of Fuel for the Use of Which it is Adapted, and for the Furnishing of Such Information to the Tax Commissioner, from Time to Time.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7336** of the Revised Laws of Hawaii 1945, as amended by Act 168 of the Session Laws of Hawaii 1951, is hereby further amended by inserting in the seventh line of the second paragraph, after the comma, the following:

"the type of fuel for the use of which it is adapted (e.g., gasoline, diesel oil, liquefied petroleum gas)," [L. 1929, c. 197, s. 1; R. L. 1935, s. 2665; R. L. 1945, s. 7336; am. L. 1951, c. 168, s. 1 (c); am. L. 1953, c. 69, s. 1.]

SECTION 2. **Section 7337** of the Revised Laws of Hawaii 1945, as amended by Act 162 of the Session Laws of Hawaii 1949, is hereby further amended by adding thereto a new paragraph to read as follows:

"Whenever the registration of any motor vehicle discloses that it is adapted for the use of a fuel other than



gasoline, the treasurer shall inform the tax commissioner of such registration, and upon each transfer of any such motor vehicle the tax commissioner shall be informed thereof." [L. 1929, c. 197, s. 2; R. L. 1935, s. 2666; R. L. 1945, s. 7337; am. L. 1949, c. 162, s. 1; am. L. 1953, c. 69, s. 2.]

SECTION 3. This Act shall take effect on July 1, 1953, or sixty days after its approval, whichever shall be the later.

(Approved May 9, 1953.) **H. B. 725, Act 69.**

§ 7337. **County treasurer's duties.** Am. L. 1949, Act 162 [C-215].

§ 7339.01. **Tax lien and encumbrance record.** NEW, L. 1949, Act 164 [C-216].

§ 7340 (3). **Certificate of registration; certificate of ownership.** Am. L. 1949, Act 166 [C-217].

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### Series C-170: ACT 131

An Act to Amend Part II of Chapter 138 of the Revised Laws of Hawaii 1945, as Amended by Acts 162, 164 and 166 of the Session Laws of Hawaii 1949 and by Act 168 of the Session Laws of Hawaii 1951 Relating to the Registration of Motor Vehicles.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Part II of chapter 138 of the Revised Laws of Hawaii 1945, as amended by Acts 162, 164 and 166 of the Session Laws of Hawaii 1949 and by Act 168 of the Session Laws of Hawaii 1951, relating to the registration of motor vehicles, is hereby further amended as follows:

(a) By inserting after the words "to the legal owner" appearing in the first sentence of **section 7340** thereof, the following clause "or to a dealer who shall be a person licensed to sell new motor vehicles under chapter 139."

(b) By amending subsection 1 of **section 7340** to read as follows:

"1. Both the certificate of registration and the certificate of ownership shall contain upon the face thereof, the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner in typewriting, also such description of the registered vehicle as may be determined by the treasurer. If any of the information shall subsequently prove to be a typographical error, the dealer, as defined in section 7361, shall notify the treasurer of such error by a written certificate stating the reasons for and

nature of the error and the correction which should be made in the certificate of registration and the certificate of ownership; and upon receipt of said dealer's certificate by the treasurer, the certificate of registration and the certificate of ownership shall be corrected accordingly so long as such correction does not constitute a change of the vehicle originally registered. A fee of \$1.00 shall be paid to the treasurer for each instance of correction of the registration records." [L. 1929, c. 197, ss. 6, 13; R. L. 1935 s. 2669; R. L. 1945, s. 7340; am. L. 1949, c. 166, s. 1; am. L. 1953, c. 131, s. 1 (a) (b).]

(c) By deleting the period appearing at the end of the first sentence of **section 7340.01** thereof and by adding to said sentence the following clause, "or is currently registered in the Territory in the name of a bona fide resident of the Territory."

(d) By substituting the words "written certificate" for the word "affidavit" wherever the same appears in **section 7340.01** thereof.

(e) By amending the last paragraph of **section 7340.01** thereof to read as follows: "In the event that the engine and factory numbers of said vehicle, as given in the dealer's certificate of such engine and factory numbers, shall subsequently prove to be erroneous on account of error in the information received by the dealer from the factory or manufacturer, or for any other reason, the dealer shall notify the treasurer of such error by a written certificate of the dealer stating the reasons for and nature of the error and the correction which should be made in the registration records; and upon receipt of said dealer's certificate by the treasurer, the registration records shall be corrected accordingly. A fee of \$1.00 shall be paid by the dealer and collected by the treasurer for each instance of correction of the registration records." [L. 1949, c. 167, s. 1; am. L. 1951, c. 168, s. 1 (d); am. L. 1953, s. 1 (c) (d) (e).]

(f) By adding to subsection 3 of **section 7343** the following: "Commencing with the registration year 1954, the treasurer shall issue only single dealer plates for each motor vehicle and shall require each dealer to return the dealer plates issued during the previous year before issuing the current year's plates; **provided**, however, that if any dealer plates issued during the previous year shall have been lost or destroyed, the dealer shall certify in writing to the treasurer that such plates have been lost or destroyed and that if any lost plates are found they will be returned forthwith to the treasurer, and upon receipt of such dealer's certificate the treasurer shall issue an equal number of new dealer

plates as have been certified to be lost or destroyed." [L. 1929, c. 197, s. 9; R. L. 1935, s. 2672; am. L. 1941, c. 211, s. 1; R. L. 1945, s. 7343; am. L. 1949, c. 62, s. 2; am. L. 1953, c. 131, s. 1 (f).]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 25, 1953.) S. B. 632, Act 131.

§ 7340.01. **Original registration of new vehicle located outside Territory.** NEW, L. 1949, Act 167 [C-218]; Am. L. 1951, Act 168 [C-172].

§ 7341. **Registration; expense.** Am. L. 1951, Act 162 [A-126].

§ 7342. **Procedure when title of vehicle transferred; delivery of certificate mandatory.** Am. L. 1949, Act 188 [C-219].

§ 7343. **Dealers in motor vehicles.** Am. L. 1949, Act 162 [C-215].

§ 7347. **Unlawful removal of motor vehicles from county.** Am. L. 1951, Act 162 [A-126].

#### APPEALS.

§ 7349. **Appeal from treasurer's decision.** Am. L. 1951, Act 237 [C-176].

§ 7350. **Same; procedure.** Am. L. 1951, Act 237 [C-176].

§ 7351. **Rules of procedure; costs.** Am. L. 1951, Act 237 [C-176].

#### Chapter 139. MOTOR VEHICLES: LICENSES TO DEALERS AND SALESMEN.

§§ 7361-7385. **Automobile dealers' and salesmen's licensing act.** Am. L. 1951, Act 90 [C-177].

#### Series C-171: ACT 146

An Act to Amend Chapter 139 of the Revised Laws of Hawaii 1945, As Amended By Act 168 of the Session Laws of Hawaii 1949 and By Act 90 of the Session Laws of Hawaii 1951, Relating to Motor Vehicle Dealers and Salesmen Licenses.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7371**, as amended by Act 90 of the Session Laws of Hawaii 1951, is hereby further amended as follows:

(a) By adding after the second paragraph thereof, a new paragraph reading as follows:

"In addition to other penalties in this chapter provided, there shall be added to the dealer's or salesman's annual license fee collected by the board from a dealer or a salesman who shall have engaged in the business of selling motor vehicles without a proper license, a sum equal to ten per centum of the license fee; **provided**, however, that in the case of a license renewal, the sum to be

added and collected by the board as herein provided, shall be a sum equal to ten per centum of the license fee subsequent to July 30 the renewal year."

(b) By amending the third sentence of the third paragraph thereof to read as follows:

"A salesman's license shall expire upon the termination of the license of the dealer by whom he is employed, or upon his leaving the service of such dealer, unless, within thirty days thereafter, he shall obtain an amended license and pay a fee of twenty-five cents therefor prior to acting as salesman for another dealer, and should a salesman fail to obtain an amended license prior to acting as salesman for another dealer, he shall thereby forfeit his privilege to obtain an amended salesman's license. Such amended license shall be for the unexpired term of the original license." [L. 1939, c. 258, s. 7; am. L. 1941, c. 315, pt. of s. 1 and c. 33, s. 1; R. L. 1945, s. 7371; am. L. 1949, c. 168, s. 1; am. L. 1951, c. 90, pt. of s. 1; am. L. 1953, c. 146, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 29, 1953.) **S. B. 633, Act 146.**

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## Chapter 140. MOTOR VEHICLES: LIABILITY INSURANCE.

### PART I: MOTOR VEHICLE SAFETY RESPONSIBILITY ACT.

§§ 7401-7404. **Motor liability act rewritten.** Am. L. 1949, Act 393 [C-224].

§ 7405. (a) **Security required unless evidence of insurance.** Am. L. 1949, Act 393 [C-224]; Am. L. 1951, Act 183 [C-178].

§§ 7406-7416. **Motor liability act rewritten.** Am. L. 1949, Act 393 [C-224].

§ 7417. **Proof of financial responsibility required upon conviction of certain offenses.** Am. L. 1951, Act 185 [C-179].

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### Series C-172: ACT 75

An Act to Amend Section 7417 of the Revised Laws of Hawaii 1945, as Amended by Act 185 of the Session Laws of Hawaii 1951, Relating to Proof of Financial Responsibility Upon Conviction of Certain Offenses.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7417** of the Revised Laws of Hawaii 1945, as amended by Act 185 of the Session Laws of Hawaii

1951, is hereby further amended by adding a new paragraph at the end thereof to read as follows:

"If any person, at the time of his conviction of any of the offenses hereinabove named, or of any offense for which a court of competent jurisdiction may suspend or revoke an operator's license, does not hold a valid operator's license, no such license shall at any time thereafter be issued to such person unless and until he shall furnish and thereafter maintain proof of financial responsibility." [L. 1933, c. 166, s. 17; R. L. 1935, s. 2696; am. L. 1939, c. 99, s. 2; R. L. 1945, s. 7417; am. L. 1947, c. 168, s. 1; am. L. 1949, c. 393, pt. of s. 1; am. L. 1951, c. 185, s. 1; am. L. 1953, c. 75, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 9, 1953.) S. B. 525, Act 75.

§§ 7418-7428.03. **Motor liability act rewritten.** Am. L. 1949, Act 393, [C-224].

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### Series C-173: ACT 81

An Act to Amend Section 2 of the Motor Vehicle Safety Responsibility Act, as Enacted by Act 393 of the Session Laws of Hawaii 1949.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of the Motor Vehicle Safety Responsibility Act, as enacted by Act 393 of the Session Laws of Hawaii 1949, is hereby amended by adding at the end thereof three new paragraphs reading as follows:

"Notwithstanding any provision herein to the contrary, the chiefs of police of the counties and city and county shall have the power to accept the prescribed proof of financial responsibility from any person whose license has been suspended or revoked on account of a conviction based on an offense occurring prior to January 1, 1950, and who now applies for the issuance of a license. Upon acceptance of such proof, the duration, cancellation or return thereof shall be governed by the provisions of section 7428.01.

The said chiefs of police shall also have the power to waive the requirement of furnishing such proof if the person mentioned in the preceding paragraph, for a period of three years prior to his application for a license, has not been convicted of any additional offense or offenses which would require or permit the suspension or revocation of a license.

The duration, cancellation or return of any proof of financial responsibility filed and maintained with the treasurer of the Territory prior to January 1, 1950, shall be governed by the provisions of section 7428.01."

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) S. B. 526, Act 81.

§ 7428.04. **Exceptions.** Am. L. 1951, Act 184 [C-180].

§§ 7428.05-.09. **Motor liability act rewritten.** Am. L. 1949, Act 393 [C-224].

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### Series C-174: ACT 268

An Act to Amend Section 7431 of the Revised Laws of Hawaii 1945, Relating to Insurance of Common Carriers of Passengers.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 7431 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"**Sec. 7431.01. Common carriers of passengers to be insured.** It is declared unlawful for any motor vehicle common carrier of passengers to operate upon or use the public streets or highways of the several counties of the Territory until it shall have filed with the treasurer of the county in which it is to operate the written certificate of any insurer duly authorized to do business in the Territory certifying that there is in effect a policy of liability insurance for the benefit of such carrier. [L. 1953, c. 268, pt. of s. 1.]

**Sec. 7431.02. Conditions of policy.** Such policy of insurance shall insure the common carrier named therein against loss from the liability imposed by law for damages arising out of the operation of such common carrier, the limits of which said policy of insurance shall not be less than the standard public liability limit of five thousand dollars for bodily injury to or death of any one person in any one accident and subject to such limitation, not less than ten thousand dollars for bodily injuries or death arising out of one accident and not less than five thousand dollars for liability for damage to property of others for any one accident. Before the certificate referred to in section 7431.01 is filed, the insurer shall file a copy of the form of policy of insurance referred to in such certificate with the treasurer of each county in which any such certificate is filed. [L. 1953, c. 268, pt. of s. 1.]

**Sec. 7431.03. Definition to include certificate.** The term 'policy of insurance' or 'insurance', as used in this part II, shall be deemed to include the certificate referred to herein." [L. 1953, c. 268, pt. of s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953. (Approved June 12, 1953.) **S. B. 702, Act 268.**

## Chapter 142. WEIGHTS AND MEASURES.

§ 7472. **Standards; tests.** Am. L. 1951, Act 226 [C-181].

§ 7474. **Incorrect weights and measures.** Am. L. 1951, Act 226 [C-181].

§ 7475.01. **Examination of packaged goods; penalty for short weight.** Am. L. 1951, Act 226 [C-181].

§ 7476. **Specifications; tolerances; and regulations.** Am. L. 1951, Act 226 [C-181].

## Title 20: BUSINESS, ETC. \* \* \* TERRITORY.

### Chapter 145. BOXING.

§ 7551. **Definition of certain words as used in this chapter.** Am. L. 1949, Act 264 [C-225].

§ 7552. **Commission established.** Am. L. 1951, Act 307 [C-182].

§ 7553. **Term of office and expenses of commissioners.** Am. L. 1945, Act 202 [C-143], rewritten p. 237; Am. L. 1951, Act 307 [C-182].

§ 7554.01. **Deputy commissioner.** NEW, L. 1949, Act 264 [C-225].

### Series C-175: ACT 165

An Act to Amend Chapter 145 of the Revised Laws of Hawaii 1945, As Amended, Regulating Boxing Contests in the Territory of Hawaii and Making Certain Appropriations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7554.01** of the Revised Laws of Hawaii 1945, as enacted by Act 264 of the Session Laws of Hawaii 1949, is hereby amended by deleting the last sentence thereof. [L. 1949, c. 264, s. 2; am. L. 1953, c. 165, s. 1.]

SECTION 2. **Section 7564** of the Revised Laws of Hawaii 1945 is hereby amended by adding, at the end of that section, the following:

"For the purpose of this section, gross receipts shall include income received from the sale of broadcasting, television and motion picture rights. Such payments, excepting for motion picture rights, shall be made within seventy-two hours after the holding of the contest

and shall be accompanied by a report in such form as shall be prescribed by the commission. The payment of tax on income received from the sale of motion picture rights shall be made at the end of the month after the date of the contest and continued every thirty days thereafter during the presentation of the picture and shall be accompanied by a report in such form as shall be prescribed by the commission." [L. 1929, c. 216, s. 16; R. L. 1935, s. 7003; R. L. 1945, s. 7564; am. L. 1953, c. 165, s. 2.]

SECTION 3. Section 7584 of chapter 145 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

**"Sec. 7584. Disposition of receipts.** All moneys received by the territorial boxing commission shall be deposited with the territorial treasurer to the credit of the general fund of the Territory." [L. 1929, c. 216, s. 36; am. L. 1933, c. 39, s. 1; R. L. 1935, s. 7023; R. L. 1945, s. 7584; am. L. 1953, c. 165, s. 3.]

SECTION 4. Any unexpended balance of the appropriation made herein as of June 30, 1953, shall revert to the general fund of the Territory of Hawaii.

SECTION 5. There is hereby appropriated out of the general revenues of the Territory of Hawaii the sum of \$3,399.00 which sum is to be made available and to provide for payment of the expenses of the boxing commission for the period up to June 30, 1953; in addition to said sum, there is appropriated from the general revenues from the Territory of Hawaii the sum of \$30,182.00 which sum is to be made available and to provide for payment of the expenses of the boxing commission for the 1953-1955 biennium.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 1, 1953.) **S. B. 363, Act 165.**

§ 7556. **Secretary.** Am. L. 1951, Act 307 [C-182].

§ 7557. **Authority to subpoena witnesses, to administer oaths and penalties.** Am. L. 1951, Act 307 [C-182].

§ 7558. **Jurisdiction of commission.** Am. L. 1949, Act 264 [C-225]; Am. L. 1951, Act 307 [C-182].

§ 7559. **Licenses, promoters.** Am. L. 1949, Act 264 [C-225].

§ 7560. **License fee; bond.** Am. L. 1949, Act 264 [C-225]; Am. L. 1951, Act 307 [C-182].

§ 7561. **Licenses, participants.** Am. L. 1949, Act 264 [C-225].

§ 7562. **License fees.** Am. L. 1949, Act 264 [C-225]; Am. L. 1951, Act 307 [C-182].

§ 7563. **Licenses, limitations, renewals.** Am. L. 1949, Act 264 [C-225].

§ 7570. **Referees; duties.** Am. L. 1949, Act 264 [C-225].



§ 7571. **Judges; duties.** Am. L. 1949, Act 264 [C-225], rewritten p. 500.

§ 7574. **Sham boxing contest; penalty against contestant.** Am. L. 1949, Act 264 [C-225].

§ 7575. **Number of rounds.** Am. L. 1949, Act 264 [C-225].

§ 7579. **Wages of contestant; prepayment prohibited.** Am. L. 1951, Act 307 [C-182].

§ 7583. **Amateur contestants entitled to medals and trophies only.** Am. L. 1949, Act 264 [C-225].

§ 7586. **Not to apply to army, air force, navy or national guard.** Am. L. 1949, Act 264 [C-225].

## Chapter 146. ENGINEERING, ETC., REGULATION OF.

§ 7601. **Definitions.** Am. L. 1949, Act 306 [C-226].

§ 7607. **Board of registration of professional engineers, etc., members; appointment, tenure; qualifications.** Am. L. 1949, Act 306 [C-226], rewritten pp. 505-6.

§ 7608. **Powers and duties of board; secretary; records.** Am. L. 1949, Act 306 [C-226].

§ 7609. **Qualifications; registration and certificates thereof; fees; annual renewal.** Am. L. 1949, Act 306 [C-226].

## Chapter 148. NOTARIES PUBLIC.

### Series C-176: ACT 30

An Act to Amend Sections 7661 and 7669  
and to Repeal Section 7089 of the Revised Laws of  
Hawaii 1945, relating to Notaries Public.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 7661** of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence thereof to read as follows:

"The attorney general may, in his discretion, appoint and commission such number of notaries public for each of the several judicial circuits of the Territory as he shall deem necessary for the public good and convenience; **provided**, however, that for the first judicial circuit the number shall not exceed six hundred, and in the second and fifth judicial circuits the number shall not exceed one hundred, and in the third judicial circuit, one hundred fifty; **provided**, further, that with the approval of the governor, the attorney general may appoint and commission notaries public in excess of such numbers, not to exceed one hundred in the first judicial circuit and ten in any other judicial circuit, when urgent necessity

exists therefor." [C. C. 1859, s. 1266; am. L. 1887, c. 11, s. 1; R. L. 1925, s. 3174; am. L. 1929, c. 3, s. 1; R. L. 1935, s. 5200; am. L. 1941, c. 322, s. 1; am. L. 1943, c. 173, pt. of s. 1; R. L. 1945, s. 7661; am. L. 1953, c. 30, s. 1.]

SECTION 2. Section 7669 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"**Sec. 7669. Fees.** The attorney general shall charge and collect the following fees:

For issuing the original commission, twenty-five dollars.

For renewal of commission, ten dollars.

The clerk of each circuit court shall charge and receive the following fees:

For filing a copy of a commission, one dollar.

For each certificate of authentication, twenty-five cents.

The foregoing fees collected by the attorney general shall be paid to the territorial treasurer to be set aside in a revolving fund which may be expended by the attorney general for expenses incurred in the administration and enforcement of the laws respecting notaries public." [L. 1941, c. 322, pt. of s. 4; R. L. 1945, s. 7669; am. L. 1953, c. 30, s. 2.]

SECTION 3. **Section 7089** of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 4. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945; **provided**, however, that this Act shall not require the refund of any fees heretofore collected under Section 7089 of the Revised Laws of Hawaii 1945 or relieve any person of any existing liability, civil or criminal, for failure to pay the fee heretofore prescribed by said section.

(Approved April 25, 1953.) **S. B. 175, Act 30.**

§ **7676. Fees.** Am. **L. 1951**, Act 281 [C-183].

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## Chapter 150. REAL ESTATE BROKERS AND SALESMEN.

§ **7731. Definitions.** Am. **L. 1949**, Act 277 [C-227].

### Series C-177: ACT 252

An Act to Amend Chapter 150 of the Revised Laws of Hawaii 1945, as Amended, Relating to Real Estate Brokers and Salesmen.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 7731 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

**"Sec. 7731. Definitions.** Wherever in this chapter the following words and equivalent expressions appear they shall have the following meanings, respectively:

'Commission' shall mean the real estate license commission of the Territory.

'Real estate broker' shall mean and include any person, copartnership or corporation, who for compensation or a valuable consideration, sells or offers to sell, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or lists, or solicits for prospective purchasers, or who leases or offers to lease, or rents or offers to rent, any real estate, or the improvements thereon, for others, as a whole or partial vocation; or who secures, receives, takes or accepts, and sells or offers to sell, any option on real estate without the exercise by him of such option and for the purpose or as a means of evading the licensing requirement of this chapter.

'Real estate salesman' shall mean any person who, for a compensation or valuable consideration, is employed either directly or indirectly by a real estate broker to sell or offer to sell, buy or offer to buy, or list, or solicit for prospective purchasers, or who lease or offer to lease, or rent or offer to rent any real estate, or the improvements thereon, for others as a whole or partial vocation; or who secures, receives, takes or accepts, and sells or offers to sell, any option on real estate without the exercise by him of such option and for the purpose or as a means of evading the licensing requirement of this chapter.

'Real estate' shall mean and include lands, the improvements thereon, leaseholds and all other interests in real property. It shall be immaterial that a transaction also involves property other than real estate, as for example a transaction for the sale of a going business, an asset of which consists of a leasehold or other interest in real property. In such a case, to the extent that real estate is involved, it shall be considered a real estate transaction for the purpose of this definition." [L. 1933, c. 140, s. 1; R. L. 1935, s. 7310; am. L. 1935, c. 126, ss. 1, 2; am. L. 1941, c. 205, pt. of s. 1; R. L. 1945, s. 7731; am. L. 1949, c. 277, s. 1; am. L. 1953, c. 252, s. 1.]

SECTION 2. Section 7740 of the Revised Laws of Hawaii 1945, as amended, is further amended to read as follows:

**"Sec. 7740. Fees; annual renewals; special fund.** The fee for any license prescribed by this Act shall be as follows:

1. To act as a real estate broker, twenty-five dollars;
2. To act as a real estate salesman, twenty-five dollars;
3. Annual renewal for broker, ten dollars;
4. Annual renewal for salesman, five dollars;
5. To obtain a branch office license, two dollars;
6. To reinstate a suspended license, two dollars.

A fee of one dollar shall be charged for the reissuance of a lost license, or for the reissuance of license when there has been a change in the licensee's name, or for the reissuance of license when there has been a change in the business address, or, in the case of a salesman, when he is employed by a different broker.

The annual renewal fee shall be paid to the commission on or before January 1 of each year. Failure, neglect, or refusal of any duly licensed real estate broker or real estate salesman to pay such annual renewal fee shall constitute a forfeiture of the license of such broker or salesman. The license of such broker or salesman may be restored upon written application therefor and the payment to the commission of twenty-five dollars.

All fees and other moneys collected or received under the provisions of this chapter shall be deposited in the territorial treasury, and set aside in a special fund. All expenses of the commission, including expenses and compensation of clerical assistants, shall be paid out of such fund upon vouchers approved by the commission and signed by the chairman or a member thereof. The commission may expend out of such fund such amounts as may be necessary for investigations of alleged violations of the provisions of this chapter.

The commission may refund any fee erroneously paid to it under the provisions of section 7738 and section 7740 of this chapter which the commission deems it just and equitable." [L. 1933, c. 140, s. 10; R. L. 1935, s. 7319; am. L. 1935, c. 126, s. 4; R. L. 1945, s. 7740; am. L. 1951, c. 77, s. 4; am. L. 1953, c. 252, s. 2.]

SECTION 3. Chapter 150 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be designated 7740.01 and to read as follows:

**"Sec. 7740.01. Place of business and posting of license.**

A licensed broker shall have and maintain a definite place of business in the Territory of Hawaii and shall display therein his broker's license." [L. 1953, c. 252, s. 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 12, 1953.) S. B. 415, Act 252.

§ 7733. **Commission, appointments, qualifications, tenure.** Am. L. 1951, Act 77 [C-184].

§ 7734. **Powers and duties of commission.** Am. L. 1951, Act 77 [C-184].

§ 7737. **No license issued when.** Subpar. 1, 2, Am. L. 1949, Act 276 [C-228]; Am. L. 1951, Act 77 [C-184].

§ 7740. **Fees; annual renewals; special fund.** Am. L. 1951, Act 77 [C-184].

§ 7741. **Revocation and suspension of licenses.** Am. L. 1951, Act 77 [C-184].

§ 7741.01. **Hearings.** Am. L. 1951, Act 77 [C-184].

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Title 21: CORPORATIONS — PARTNERSHIPS.

Chapter 152. BANKS.

**Series C-178: ACT 71**

An Act to Amend Chapter 152 of the Revised Laws of Hawaii 1945, Relating to Banks.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 152 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) In **section 8005**, by deleting the figures "8201" and substituting therefor the figures "8204", [L. 1931, c. 177, s. 5; R. L. 1935, s. 6504; am. L. 1935, c. 159, s. 1; am. L. 1939, c. 152, s. 1; am. L. 1941, c. 107, s. 1; R. L. 1945, s. 8005; am. L. 1953, c. 71, s. 1 (1).]

(2) In **section 8071**, by deleting the word "and" which follows the word "secured" and substituting therefor the word "or", and [L. 1931, c. 177, s. 66; R. L. 1935, s. 6567; R. L. 1945, s. 8071; am. L. 1953, c. 71, s. 1 (2).]

(3) In **section 8084**, as amended by Act 86 of the Session Laws of 1951, by deleting paragraph 6 and substituting therefor:

"6. In promissory notes secured by the pledge of  
a. Interest-bearing bonds, notes, or obligations of the United States of America or the Territory of Hawaii which have a cash market value of at least five per cent more than the amount of the loan; or

b. Other personal property which has a cash market value of at least thirty-three and one-third per cent more than the amount of the loan." [L. 1931, c. 177, s. 78; am. L. 1933-4, c. 48, s. 8; R. L. 1935, s. 6579; am. L. 1937, c. 61, ss. 1, 2, 3; am. L. 1943, c. 211, s. 8; R. L. 1945, s. 8084; am. L. 1951, c. 86, s. 1; am. L. 1953, c. 71, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 9, 1953.) S. B. 303, Act 71.

§ 8029. **Power to sell or merge.** Am. L. 1951, Act 198 [C-186].

§ 8034. **Residence of directors.** Am. L. 1945, Act 143 [C-144].

§ 8038. **Branch banks.** Am. L. 1947, Act 4 [C-133].

§§ 8041.01-.02. **Residence of directors.** NEW, L. 1945, Act 143 [C-144].

§§ 8041-43. **Residence director.** Am. L. 1945, Act 143 [C-144].

§ 8084. **Investments authorized for savings departments.** Am. L. 1951, Act 86 [C-185].

#### MERGER, NATIONAL AND TERRITORIAL BANKS.

§§ 8146-8156. **Bank merger act.** Am. L. 1951, Act 198 [C-186].

#### Chapter 153. BUILDING AND LOAN ASSOCIATIONS.

§ 8171. **Building and loan association defined.** Am. L. 1951, Act 293 [C-187].

§ 8175. **Member.** Am. L. 1949, Act 67 [C-229].

§ 8193. **Notary public connected with association; authority to act.** Am. L. 1951, Act 82 [C-188].

§ 8207. **Capital stock; shares.** Am. L. 1951, Act 98 [C-189].

§ 8212. **Restrictions on stock.** Am. L. 1947, Act 181 [C-134]; Am. L. 1951, Act 293 [C-187].

§ 8215. **Cash reserve.** Am. L. 1951, Act 89 [C-190].

§ 8216. **Dividends.** Am. L. 1951, Act 293 [C-187].

§ 8218. **Withdrawals.** Am. L. 1951, Act 85 [C-191].

§ 8222. **Real estate loans, ordinary.** Am. L. 1951, Act 83 [C-192].

§ 8222.01. **Loans on homes on leased property.** NEW, L. 1945, Act 98 [C-145]; Am. L. 1949, Act 67 [C-229].

§ 8225. **Loans, surplus funds.** Am. L. 1947, Act 181 [C-134]; Am. L. 1951, Act 84 [C-193].

§ 8227. **Funds derived from territorial business.** Am. L. 1949, Act 181 [C-134]; Am. L. 1951, Act 269 [C-194].

§ 8228. **Restrictions on loans; unlawful to make certain loans.** Am. L. 1949, Act 181 [C-134]; Am. L. 1951, Act 81 [C-195].

#### Chapter 154. AGRICULTURAL COOPERATIVE ASSOCIATIONS.

§§ 8251-78. **Agricultural co-operatives.** Am. L. 1949, Act 234 [C-230], ch. 154 rewritten.

## Series C-179: ACT 137

An Act Amending Act 234 of the Session Laws of Hawaii 1949, Relating to Agricultural Co-operative Associations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 234 of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

(a) By amending **section 8254** by inserting in paragraph (a) after the words "agricultural products" and preceding the comma the words "of Hawaiian origin". [L. 1915, c. 186, s. 2; R. L. 1925, s. 3379; R. L. 1935, s. 6693; R. L. 1945, s. 8254; am. L. 1947, c. 235, s. 1; am. L. 1949, c. 234, pt. of s. 1; am. L. 1953, c. 137, s. 1 (a).]

(b) By amending **section 8255** (g) thereof to read as follows:

"(g). Whether organized with or without capital stock, and if organized with capital stock the total authorized number of par value shares and the par value of each share, and if the privilege of subsequent extension of the authorized capital stock is asked for, the limit of such extension; and if more than one class of stock is authorized, a description of the classes of shares, the number of shares in each class, the relative rights, preferences and restrictions granted to or imposed upon the shares of each class, and the dividends to which each class shall be entitled." [L. 1932, 2d, c. 73, s. 4; R. L. 1935, s. 6694; R. L. 1945, s. 8255; am. L. 1949, c. 234, pt. of s. 1; am. L. 1953, c. 137, s. 1 (b).]

(c) By amending section 8256 thereof to read as follows:

"**Sec. 8256. Name.** The provisions of section 8306 shall apply to associations formed under this chapter and no Hawaiian corporation not organized under this chapter shall use the word 'cooperative' as a part of its name." [L. 1915, c. 186, s. 3; R. L. 1925, s. 3376; am. L. 1932, 2d, c. 73, s. 5; R. L. 1935, s. 6695; R. L. 1945, s. 8256; am. L. 1949, c. 234, pt. of s. 1; am. L. 1953, c. 137, s. 1 (c).]

(d) By amending section 8272 thereof to read as follows:

"**Sec. 8272. Voluntary dissolution.** The provisions of section 8352, relating to the voluntary dissolution of corporations, shall apply to associations formed under this chapter except that the dissolution must be approved at a meeting duly called and held for the purpose by not less than two thirds of the voting power voting thereon."

[L. 1949, c. 234, pt. of s. 1; L. 1953, c. 137, s. 1 (d).]

(e) By amending section 8277 thereof to read as follows:

**"Sec. 8277. General corporation laws, when applicable.**

Except where otherwise provided, the provisions of chapter 155, Revised Laws of Hawaii 1945, as amended, shall apply to cooperative associations organized under this chapter." [L. 1949, c. 234, pt. of s. 1; am. L. 1953, c. 137, s. 1 (e).]

(f) By adding a new section thereto to be numbered 8280 and to read as follows:

**"Sec. 8280. Penalty.** Every cooperative association failing to comply with any of the statutes regarding cooperative associations shall forfeit to the Territory ten dollars for every such violation, neglect or failure to be recovered by action brought in the name of the Territory by the treasurer, which penalty shall be in addition to all fees in this chapter otherwise provided; a continuance of a failure to file the required report and to pay the required license fee shall be a separate offense for each thirty days of continuance. The treasurer may, for good cause shown, reduce or waive the penalty imposed by this section." [Am. L. 1953, c. 137, s. 1 (f).]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 29, 1953.) H. B. 45, Act 137.

## Chapter 155. CORPORATIONS.

§ 8304. **Directors, qualifications of.** Am. L. 1945, Act 143 [C-144].

§ 8305. **Articles of association.** Am. L. 1951, Act 117 [C-196].

§ 8308. **Affidavit.** Am. L. 1951, Act 120 [C-197].

### Series C-180: ACT 216

An Act Relating to Corporations, Amending Section 8308, as Amended, and 8310, and Repealing Section 8330 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 8308 of the Revised Laws of Hawaii 1945, as amended by Act 120, Series C-197, of the Session Laws of Hawaii 1951, is hereby further amended to read as follows:

**"Sec. 8308. Affidavit, supplemental affidavit.** An affidavit sworn to by the president, secretary and treasurer



of the corporation as named in the articles of association at the time of filing the articles of association shall be filed in the office of the treasurer, which affidavit shall set forth the following information:

1. The number of authorized shares of the stock of each class of the proposed corporation;
2. The par value of such shares as have par value;
3. The name of the subscribers for shares of each class;
4. The number of shares of each class subscribed for by each subscriber;
5. The subscription price or prices for the shares of each class subscribed for by each subscriber, and, if it is to be paid in other than cash, the consideration in which it is to be paid;
6. The amount of capital and paid-in surplus, if any, paid in by each subscriber, separately stating the amount paid in cash and in property.

If it shall appear from the affidavit that more than fifty per centum of the aggregate authorized capital stock of the corporation upon its incorporation is to be issued for a consideration other than cash, or for the acquisition of the assets and business of any existing enterprise, the affidavit shall also contain a summary description of the consideration or the assets and business to be acquired, as the case may be, and a net valuation thereof. If it shall appear from the affidavit that less than seventy-five per centum of the aggregate authorized capital stock of the corporation upon its incorporation has been subscribed for, or that less than ten per centum of the aggregate authorized capital stock of the corporation has been paid in cash, or that the amount of the authorized capital stock that has been paid in cash is less than one thousand dollars, then prior to its commencement of business in the Territory, the corporation shall file in the office of the treasurer a supplemental affidavit as herein provided. Such supplemental affidavit shall set forth all of the matters that are required herein for the original affidavit, shall show that not less than seventy-five per centum of the aggregate authorized capital stock of the corporation upon its incorporation has been subscribed for, and shall show that not less than ten per centum of the aggregate authorized capital stock of the corporation upon its incorporation has been paid in by the acquisition of cash or property, **provided** that if less than ten per centum of the aggregate authorized capital

stock of the corporation upon its incorporation has been paid in cash, there shall be attached thereto executed copies of the instrument or instruments of transfer by which the corporation has acquired the consideration or the assets and business of an existing enterprise for the issuance of shares of the capital stock of the corporation." [L. 1890, c. 43, s. 4; R. L. 1925, s. 3335, R. L. 1935, s. 6714; am. L. 1939, c. 78, s. 3; R. L. 1945, s. 8308; am. L. 1951, c. 120, s. 1; am. L. 1953, c. 216, s. 1.]

SECTION 2. Section 8310 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 8310. Capital necessary to engage in business; liability of directors.** No corporation for profit shall upon the incorporation thereof engage in business in the Territory until three-fourths of its authorized capital stock shall have been subscribed for nor until ten per centum of its authorized capital stock shall have been paid in by the acquisition of cash or by the acquisition of property of a value equal to ten per centum of such authorized capital stock nor until the affidavit or affidavits required by section 8308 shall have been filed, **provided** that in no case shall any corporation for profit upon the incorporation thereof engage in business in the Territory until not less than one thousand dollars of its authorized capital stock shall have been paid in by the acquisition of cash or by the acquisition of property of a net value of not less than one thousand dollars. In case of any violation of this section by any corporation, the incorporators and the directors thereof at the time the corporation commences to engage in business shall in their individual and private capacities be jointly and severally liable to the corporation and the stockholders and creditors thereof in the event of its bankruptcy or insolvency or in the event of its dissolution for any loss suffered by the corporation or its stockholders or creditors unless said incorporators and directors can establish that said loss did not occur by reason of such violation." [L. 1890, c. 43, s. 6; R. L. 1925, s. 3337; R. L. 1935, s. 6716; am. L. 1939, c. 78, s. 5; R. L. 1945, s. 8310; am. L. 1953, c. 216, s. 2.]

SECTION 3. **Section 8330** of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 4. This Act shall take effect upon its approval.  
(Approved June 9, 1953.) **H. B. 567, Act 216.**

## Series C-181: ACT 177

An Act to Amend Chapter 155 of the Revised Laws of Hawaii 1945, Relating to Corporations, By Amending Section 8309 With Respect to the Powers and Liabilities of Corporations, and By Amending Section 8312 With Respect to Applications for Charters of Incorporation, and By Amending Section 8314 With Respect to Extensions and Renewals of Articles of Association and Charters of Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 8309 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 8309. Powers and liabilities.** On the filing of the articles of association and the affidavit required to be filed concurrently therewith, the persons who have subscribed the articles of association, their associates, successors and assigns, shall thereafter be deemed to be and be a body corporate by the name and style provided in the articles of association; shall have succession and corporate existence for such period of duration as shall be agreed upon, which may be perpetual; shall have all of the powers and be subject to all of the liabilities provided by law for corporations; and shall be subject to all general laws then in effect or thereafter enacted in regard to corporations." [L. 1890, c. 43, s. 5; R. L. 1925, s. 3336; R. L. 1935, s. 6715; am. L. 1939, c. 78, s. 3; R. L. 1945, s. 8309; am. L. 1953, c. 177, s. 1.]

SECTION 2. **Section 8312** of the Revised Laws of Hawaii 1945 is hereby amended by changing the paragraph which has heretofore read as follows:

"The proposed duration of the corporation;" so that the same shall hereafter read as follows:

"The proposed period of duration of the corporation, which may be perpetual;" [C. C. 1859, s. 1445; am. L. 1884, c. 16, s. 2; R. L. 1925, s. 3342; R. L. 1935, s. 6722; am. L. 1937, c. 159, s. 2; R. L. 1945, s. 8312; am. L. 1951, c. 118, s. 2; am. L. 1953, c. 177, s. 2.]

SECTION 3. Section 8314 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 8314. How made.** The treasurer shall at any time not more than fifteen years prior to the expiration of any articles of association or charter of any corporation extend the duration of the same, and shall at any time

not more than five years after the expiration of any articles of association or charter renew the same, in each case for such period of extension or renewal as shall be agreed upon, which may be perpetual, and in each case on application to him for that purpose, upon the filing in his office of a verified certificate signed by the president and secretary of the corporation or by the presiding officer and secretary of the meeting at which the vote was taken, showing that the proposed extension or renewal has been approved by the vote of the holders of not less than two-thirds of all its issued and outstanding shares of stock, voting without regard to class, at a meeting duly called and held for the purpose, or, in the case of a nonstock corporation, by the vote of not less than two-thirds of the members present at a duly called meeting thereof; **provided**, however, that no extension of the charter of a non-profit corporation shall become effective until the same shall be allowed by the treasurer by and with the consent of the governor.

"All extensions or renewals of articles of association and charters granted prior to April 1, 1939, are ratified and confirmed."

SECTION 4. The amendment made hereby to section 8314 of the Revised Laws of Hawaii 1945 shall apply to the renewal of the articles of association or charter of any corporation which shall have expired more than two years prior to the effective date of this Act, so long as the same shall not have expired more than five years prior to the effective date of this Act. [C. C. 1859, s. 1443; am. L. 1923, c. 239, ss. 1, 2; R. L. 1925, s. 3340; am. L. 1927, c. 110, s. 1; am. L. 1929, c. 46, s. 1; R. L. 1935, s. 6719; am. L. 1939, c. 30, s. 1; R. L. 1945, s. 8314; am. L. 1953, c. 177, ss. 3 and 4.]

SECTION 5. Any corporation having a limited period of existence on the effective date of this Act may amend its articles of association or charter, pursuant to section 8315 of the Revised Laws of Hawaii 1945, to provide for perpetual existence.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 3, 1953.) **S. B. 120, Act 177.**

## Series C-182: ACT 178

An Act Relating to Domestic Non-Profit Corporations, Providing for the Merger or Consolidation Thereof and for the Reinstatement of Corporations Involuntarily Dissolved Since January 1, 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 8311.01]. SECTION 1. [Non-profit corporation defined.] "Non-profit corporation" as used in this Act means a corporation created under the provisions of sections 8311-8312, as amended, of the Revised Laws of Hawaii 1945. [L. 1953, c. 178, s. 1.]

[Sec. 8311.02]. SECTION 2. [Merger and consolidation.] Any two or more domestic non-profit corporations may be (a) merged into one of such domestic non-profit corporations, which is designated in this Act as "the surviving non-profit corporation" or, (b) consolidated into a new domestic non-profit corporation to be formed by means of such merger or consolidation as shall be specified in the agreement hereinafter provided which is designated in this Act as "the consolidated non-profit corporation". The board of directors, trustees or other governing body of such non-profit corporations as desire to merge or consolidate may enter into an agreement prescribing the terms and conditions of the merger or consolidation, and the mode of carrying the same into effect, the names and addresses of the first officers and directors of the surviving or consolidated non-profit corporation and their respective terms of office, and setting forth such other provisions as may be deemed necessary. [L. 1953, c. 178, s. 2.]

[Sec. 8311.03]. SECTION 3. [Merger; necessary statement.] If the agreement be for a merger, it shall state any matters in respect of which the charter of the incorporation of the surviving non-profit corporation is proposed to be amended, and shall set forth or incorporate as part thereof, the proposed charter of incorporation as amended, and such charter of incorporation shall be deemed to be the amended charter of incorporation of the surviving non-profit corporation upon the allowance of the merger agreement by the treasurer with the consent of the governor. The amended charter of incorporation of the surviving non-profit corporation may provide for the extension of the term of its corporate existence, and may contain all the powers and privileges

that could lawfully be conferred or obtained in an original charter of incorporation. [L. 1953, c. 178, s. 3.]

**[Sec. 8311.04]. SECTION 4. [Consolidation; necessary statement.]** If the agreement be for a consolidation, it shall state therein or incorporate as part thereof, a complete charter of incorporation as is required by chapter 155 of the Revised Laws of Hawaii 1945 in the formation of a new non-profit corporation. The charter of incorporation shall be deemed to be the charter of incorporation of the consolidated non-profit corporation upon the allowance of the consolidation agreement by the treasurer with the consent of the governor. The charter of incorporation of the consolidated non-profit corporation may contain all the powers and privileges that could be lawfully conferred or obtained in an original charter of incorporation of a non-profit corporation. [L. 1953, c. 178, s. 4.]

**[Sec. 8311.05]. SECTION 5. [Agreement, approval of.]** The agreement shall be approved by the board of directors or trustees of each constituent non-profit corporation and shall also be approved separately by each constituent non-profit corporation, at a meeting duly called and held for the purpose, at which a quorum is present, by not less than two-thirds of the members of each constituent non-profit corporation present at such meeting. [L. 1953, c. 178, s. 5.]

**[Sec. 8311.06]. SECTION 6.** The agreement shall be executed as provided in section 8364 of the Revised Laws of Hawaii 1945. [L. 1953, c. 178, s. 6.]

**[Sec. 8311.07]. SECTION 7. [Certificate.]** There shall be executed and signed by the presiding officer and secretary of each of the membership meetings, or by any other officers present at the meeting, a certificate which shall be verified by their oath and shall set forth:

1. The time and place of the meeting of the board of directors or trustees, and a copy of the resolution adopted thereat;
2. The vote in favor of the resolution;
3. The time and place of the meeting of the membership, and a copy of the resolution adopted thereat;
4. The vote in favor of the resolution;
5. Facts as to the notification of the members of the time, place and purpose of the meeting of the members. [L. 1953, c. 178, s. 7.]

**[Sec. 8311.08]. SECTION 8. [Agreement when executed to be filed with treasurer.]** The agreement so approved, executed and acknowledged, and the certificates of its approval

by each constituent non-profit corporation in accordance with the provisions of this Act, shall be filed in the office of the treasurer, and the merger or consolidation shall become effective upon the allowance of the merger or consolidation by the treasurer with the consent of the governor. A copy of the agreement, certified to by the treasurer, shall have the same force in evidence as the original and, except as against the Territory, shall be conclusive evidence of the performance of all things precedent to such merger or consolidation, and the creation or existence of the surviving or consolidated non-profit corporation. [L. 1953, c. 178, s. 8.]

[Sec. 8311.09]. SECTION 9. [Certificate of treasurer.] Upon the allowance of the agreement, the treasurer shall make and seal with the seal of his office, his certificate of merger or consolidation, which shall set forth the following:

1. The name of each constituent non-profit corporation;
2. The name of the surviving or consolidated non-profit corporation;
3. The date and time of allowance of the merger or consolidation agreement;
4. The names of the officers and directors or trustees of the surviving or consolidated non-profit corporation at the time of allowance of the agreement.

A copy of the treasurer's certificate shall be recorded in the bureau of conveyances and in the office of the assistant registrar of the land court as required by section 8370. [L. 1953, c. 178, s. 9.]

[Sec. 8311.10]. SECTION 10. Section 8372 shall apply to the merger or consolidation of non-profit corporations. [L. 1953, c. 178, s. 10.]

[Sec. 8311.11]. SECTION 11. [Re-instatement.] Any non-profit corporation which, since January 1, 1951 and prior to the effective date of this Act, has been involuntarily dissolved for failure to file the annual exhibits required pursuant to section 8350 of the Revised Laws of Hawaii 1945, may be reinstated by the treasurer, if within six (6) months after the effective date of this Act, there shall be filed an application executed and verified by the president and secretary or other authorized officers of the corporation setting forth such information as the treasurer may require, accompanied by all exhibits due and unfiled, and if within sixty (60) days after demand by the treasurer there shall be paid the costs of the involuntary dissolution, and delinquent assessments and taxes, if any. [L. 1953, c. 178, s. 11.]

SECTION 12. This Act shall take effect ten days after promulgation as required by Section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 4, 1953.) **S. B. 230, Act 178.**

§ 8312. **Application for charter; petition; contents.** Am. L. 1951, Act 118 [C-198].

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### Series C-183: ACT 89

An Act to Amend Section 8312 of the Revised Laws of Hawaii 1945, as Amended, Relating to Eleemosynary Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8312** of the Revised Laws of Hawaii 1945, as amended by Act 118, Series C-198, of the Session Laws of 1951, is hereby further amended by deleting the words "both residence and" in line ten, as amended, and inserting in lieu thereof the words "either residence or". [C. C. 1859, s. 1445; am. L. 1884, c. 16, s. 2; R. L. 1925, s. 3342; R. L. 1935, s. 6722; am. L. 1937, c. 159, s. 2; am. L. 1951, c. 118, s. 2; am. L. 1953, c. 89, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) **H. B. 769, Act 89.**

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### Series C-184: ACT 13

An Act to Amend Section 8315, Revised Laws of Hawaii 1945, Relating to Amendment of Corporate Charters and Articles.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 8315, Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(a) The first five lines of this section are amended to read as follows:

"**Sec. 8315. Amendments.** Subject to the provisos hereinbelow set forth in this section, the articles of association or charter of any corporation may be amended by the vote of the holders of not less than two-thirds of all of its stock issued and outstanding and having voting power, or by such larger vote as may be required by the articles of association or charter,";



(b) Change the period at the end of said section to a semi-colon and add thereafter the following proviso:

**“provided**, further, that if an amendment would make any change which would adversely affect the rights of the holders of shares of any class, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, regardless of other limitations or restrictions on the voting power of such class, and in addition, to the vote otherwise required, a vote of the holders of two-thirds of each class so affected by the amendment shall be necessary to the adoption thereof.” [L. 1894-5, c. 13, s. 1; am. L. 1919, c. 13, pt. of s. 1; am. L. 1921, c. 188, s. 1; am. L. 1923, c. 133, s. 2; R. L. 1925, s. 3343; am. L. 1929, c. 122, s. 1; R. L. 1935, s. 6723; am. L. 1939, c. 31, s. 1; R. L. 1945, s. 8315; am. L. 1953, c. 13, s. 1.]

SECTION 2, This Act shall take effect upon its approval.

(Approved April 20, 1953.) **S. B. 327, Act 13.**

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### Series C-185: ACT 18

An Act to Amend Chapter 155 of the Revised Laws of Hawaii 1945, as Amended, by Adding Thereto a New Section to Provide for the Amendment of Articles of Association or Charter of Any Corporation so as to Eliminate or Limit Preemptive Rights of Stockholders.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 155 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be known as **section 8315.01**, to read as follows:

“The articles of association or charter of any corporation for profit may be amended so as to deny, limit or restrict the right of the stockholders of such corporation, which may exist by virtue of the common law or by virtue of provisions in the existing articles of association or charter, to subscribe for additional shares of stock, whether then or thereafter authorized; **provided**, that such amendment of the articles of association or charter of such corporation is made in accordance with the provisions of section 8315. The amendment authorized by this section shall not be construed as a limitation or re-

striction on any other amendment or amendments that might otherwise be permitted by law." [L. 1953, c. 18, s. 1.]

SECTION 2. Nothing contained in this Act shall affect the validity of any such action heretofore taken by any corporation.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 21, 1953.) **S. B. 328, Act 18.**

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**Series C-186: ACT 14**

An Act to Amend Section 8318, Revised Laws of Hawaii 1945, Relating to the Form of Corporate Stock Certificates, and Section 8322(8), Revised Laws of Hawaii 1945, Relating to the Form of Certificates Representing Shares Without Par Value.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 8318, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"**Sec. 8318. Certificate; form.** Every certificate of stock hereafter issued by any corporation shall plainly state: (1) the name of the record holder of the shares represented thereby; (2) the number, designation, if any, and class or series of shares represented thereby; (3) the par value, if any, of the shares represented thereby, or a statement that the shares are without par value; and (4) the amount paid in on the shares represented thereby." [L. 1890, c. 43, s. 7; R. L. 1925, s. 3347; am. L. 1931, c. 78, s. 2; R. L. 1935, s. 6726; R. L. 1945, s. 8318; am. L. 1953, c. 14, s. 1.]

SECTION 2. **Section 8322(8)**, Revised Laws of Hawaii 1945, is hereby amended by changing the first sentence thereof to read as follows:

"Every certificate representing shares without par value shall state that the shares represented thereby are without par value." [L. 1937, c. 245, s. 1; am. L. 1939, c. 102, ss. 1, 2; R. L. 1945, s. 8322; am. L. 1953, c. 14, s. 2.]

SECTION 3. This Act shall take effect upon its approval.

(Approved April 20, 1953.) **S. B. 386, Act 14.**

## Series C-187: ACT 257

An Act Amending Chapter 155 of the Revised Laws of Hawaii 1945, as Amended, Relating to Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 155 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by inserting after section 8320 thereof a new section to read as follows:

**"Sec. 8320.01. Consideration for shares having par value.** No corporation shall issue any share of stock having a par value, other than as a stock dividend or as a result of a stock split-up or in respect of a convertible security, for any consideration, whether cash, labor done, services actually rendered, debts or services cancelled or tangible or intangible property actually received, the value of which shall be less than the par value of such share; **provided,** however, that nothing in this section contained shall prevent any corporation from making or paying bona fide underwriting discount or commission or otherwise assuming and paying the cost of the issue and distribution of any share or shares of stock."  
[L. 1953, c. 257, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) S. B. 469, Act 257.

§ 8325. Rep. (?) L. 1947, Act 124 [C-136] s. 24.

§§ 8325.01-.26. **Stock transfer.** NEW, L. 1947, Act 124 [C-136].

§ 8330. **Repealed.** Am. L. 1953, Act 216 [C-180], *supra*.

§§ 8332.01-.04. **Meetings, etc.** NEW, L. 1945, Act 228 [C-146].

§ 8335. **By-laws.** Am. L. 1947, Act 225 [C-137], rewritten p. 307.

## Series C-188: ACT 249

An Act to Amend Section 8335 of the Revised Laws of Hawaii 1945, as Amended, Relating to By-Laws of Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8335** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the first proviso thereof to read as follows:

**"provided,** however, that by-laws may be adopted at the incorporation of a corporation by the signers of the articles of association, and, in case of a non-stock

corporation, by the signers of the petition for a charter of incorporation within thirty days after the granting of such charter;". [C. C. 1859, s. 1431; R. L. 1925, s. 3355; R. L. 1935, s. 6741; am. L. 1939, c. 84, s. 1; R. L. 1945, s. 8335; am. L. 1947, c. 225, s. 1; am. L. 1953, c. 249, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **S. B. 346, Act 249.**

§ **8340.01. Donations, pensions, etc.** NEW, L. 1947, Act 104 [C-138].

§ **8340.02. Fiduciary stockholder.** NEW, L. 1947, Act 105 [C-139].

§ **8349. Annual exhibit, exceptions; inspection by whom; penalty.** Am. L. 1949, Act 191 [C-231].

### Series C-189: ACT 122

An Act to Amend Section 8349 of Chapter 155 of the Revised Laws of Hawaii 1945, as Amended, Relating to Annual Exhibits of Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8349** of chapter 155 of the Revised Laws of Hawaii 1945, as amended by Act 191 of Session Laws of Hawaii 1949, is hereby further amended by inserting the following sentence after the word and period "made." appearing in line eighteen (18) of the first paragraph thereof:

"The treasurer may grant a reasonable extension of time for making and filing such annual exhibits." [C. C. 1859, s. 1441; am. L. 1909, c. 146, s. 1; am. L. 1915, c. 104, s. 1; am. L. 1921, c. 22, s. 1; R. L. 1925, s. 3366; R. L. 1935, s. 6752; am. L. 1935, c. 96, s. 1; am. L. 1939, c. 48, s. 1; R. L. 1945, s. 8349; am. L. 1949, c. 191, s. 1; am. L. 1953, c. 122, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 21, 1953.) **H. B. 943, Act 122.**

§ **8351. Amount.** Am. L. 1951, Act 80 [C-199].

§ **8352. Voluntary dissolution.** Am. L. 1947, Act 176 [C-140].

§ **8358. Reinstatement of involuntarily dissolved corporation.** Am. L. 1951, Act 119 [C-200].

Chapter 157. CORPORATIONS, FOREIGN.

§ **8391. Declarations; local agents; bonds.** Am. L. 1951, Act 294 [C-201].

## Series C-190: ACT 258

An Act to Amend Section 8391 of the Revised Laws of Hawaii 1945, as Amended by Session Laws of Hawaii 1951, Act 294, Relating to Foreign Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8391** of the Revised Laws of Hawaii 1945, as amended by Session Laws of Hawaii 1951, Act 294, is hereby further amended by inserting therein a new subsection to follow subsection B thereof, to be designated subsection C and to read as follows:

"C. Every eleemosynary corporation or incorporated company formed or organized under the laws of any other territory, possession or state of the United States or of any foreign state or country, which shall undertake to do or carry on any solely charitable work in the Territory, whether such corporation shall take, hold, sell, demise or convey real estate or any other property therein or not, shall file in the office of the treasurer of the Territory:

1. A declaration sworn to on oath by two authorized officers of the corporation stating:

- a. The name of the corporation;
- b. The state wherein it was incorporated;
- c. The location and address of its principal office;
- d. The location and address of its branch office or offices in the Territory;
- e. The names and addresses of its officers and directors, if any;
- f. The nature and actual method of the charitable work to be carried on in the Territory;
- g. The name and business address of the person residing within the Territory upon whom legal notice and process from the courts of the Territory, or notices from officials of the Territory, may be served.

2. A copy of the articles of association, charter, or act of incorporation of the corporation as amended to the date of the declaration, certified to by the proper officer of the state wherein the corporation was organized, which certificate shall also state that the corporation is in good standing if such be the fact.

3. A copy of the by-laws of the corporation as amended to the date of the declaration certified to by the proper officer of the corporation.

Every foreign eleemosynary corporation, upon filing the instruments required by this subsection, shall pay to the treasurer of the Territory a fee of ten dollars and no other qualification fee shall be charged any such corporation. Every foreign eleemosynary corporation, on complying with the provisions of this subsection and paying the fee herein provided, shall, subject to the provisions of section 8397, have the same powers and privileges and be subject to the same disabilities as are by law conferred on eleemosynary corporations and constituted under the laws of the Territory and shall, for the purposes for which they shall be constituted, have full power to hold, take and convey by way of sale, mortgage or otherwise, real, personal and mixed estate in the Territory, **provided**, always, that the purposes for which the corporation or company shall be constituted shall not be repugnant to or in conflict with any law of the Territory." [L. 1898, c. 45, s. 1; am. L. 1903, c. 88, s. 1; am. L. 1915, c. 201, s. 1; R. L. 1925, s. 3494; am. L. 1933, c. 162, s. 1; R. L. 1935, s. 6770; am. L. 1937, c. 92, s. 1; R. L. 1945, s. 8391; am. L. 1951, c. 294, s. 1; am. L. 1953, c. 258, s. 1.]

SECTION 2. Those subsections of **section 8391** of the Revised Laws of Hawaii 1945, as amended, other than subsections A and B and the subsection designated C added by section 1 of this Act are hereby redesignated subsections D, E, F and G, respectively.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **S. B. 470, Act 258.**

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### Series C-191: ACT 255

An Act to Amend Section 8392 of the Revised Laws of Hawaii 1945, Relating to Foreign Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8392** of the Revised Laws of Hawaii 1945, is hereby amended by deleting from the second line thereof the word and figures "section 8391" and substituting in lieu thereof the words and figures "subsection A of section 8391". [L. 1898, c. 45, s. 2; am. L. 1905, c. 98, s. 1; R. L. 1925, s. 3495; R. L. 1935, s. 6771; R. L. 1945, s. 8392; am. L. 1953, c. 255, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) S. B. 465, Act 255.

§ 8395. **Annual exhibit, failure to file, etc.** Am. L. 1951, Act 124 [C-202].

**Series C-192: ACT 256**

An Act to Amend Chapter 157 of the Revised Laws of Hawaii 1945, as Amended, Relating to Foreign Corporations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 157 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending section 8395 thereof, as amended by Session Laws of Hawaii 1951, Act 124, to read as follows:

**"Sec. 8395. Annual exhibit, failure to file, etc.** Every corporation or incorporated company qualifying under this chapter, except as otherwise provided, shall file with the treasurer a full and accurate exhibit of its state of affairs within one hundred eighty days immediately following the end of its fiscal period; **provided**, however, that no list of the stockholders of the corporation or company shall be required, except upon the joint request of the treasurer and governor." [L. 1898, c. 45, s. 3; am. L. 1919, c. 16, s. 1; am. L. 1923, c. 24, s. 1; R. L. 1925, s. 3478; R. L. 1935, s. 6774; am. L. 1937, c. 91, s. 1; R. L. 1945, s. 8395; am. L. 1951, c. 124, s. 1; am. L. 1953, c. 256, s. 1.]

SECTION 2. Chapter 157 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered section 8399, and to read as follows:

**"Sec. 8399. Cancellation of registration.** A. If any corporation which has complied with the provisions of section 8391 shall have failed or neglected for a period of two years to file an annual exhibit as required by law, the treasurer may cancel the registration of such corporation. At least sixty days prior to any such cancellation, the treasurer shall cause notice thereof to be given to the person named in the declaration required by section 8391 as the person residing within the Territory upon whom notice and process from the courts of the Territory or notices from officials of the Territory may be served, and shall cause notice thereof to the creditors of such corporation to be published once in each

of two successive weeks in the English language in a daily newspaper of general circulation in the Territory. The expenses of such notice, whether given by personal service, by mailing, by publication or by all thereof, shall be a charge against and may be collected by action against the corporation concerned. Any corporation, the registration of which is cancelled pursuant to this section, shall be deemed no longer qualified under this chapter to transact business in this Territory, and shall not be registered hereunder except upon compliance with the provisions hereof as if for the first time.

B. If there shall be filed in the office of the treasurer of the Territory a certificate duly executed by the proper officer of the Territory, possession or state of the United States or foreign state or country in which any corporation which has complied with the provisions of section 8391 was organized stating that such corporation has been duly dissolved under and pursuant to the laws of such Territory, possession or state of the United States or foreign state or country, the treasurer shall forthwith cancel the registration of such corporation." [L. 1953, c. 256, s. 2.]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1953.) S. B. 467, Act 256.

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### Series C-193: ACT 267

An Act Authorizing the Territorial Treasurer upon the Payment of a License Fee of \$100.00, to Issue Twelve Months' Limited Licenses to Foreign Corporations Making Mortgage Loans in the Territory of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 8401.01]. SECTION 1. [Foreign corporations; real estate loans, limited license.] Any other law to the contrary notwithstanding foreign corporations authorized under their articles, charters or certificates of incorporation and the laws of their states of domicile to engage in a banking, insurance or other business and to invest in notes secured by real estate mortgages, shall be permitted to apply for and receive limited licenses permitting such corporations to engage solely in the making, servicing and collecting of loans secured by mortgages of real and personal property or interests therein and as an incident thereto the taking, holding and disposing



of any of said property acquired in enforcement of the rights of the mortgagee in the event of default by the mortgagor. Such limited license shall exempt the holder thereof from any additional territorial registration requirement for the purpose of qualifying such corporation to do business in the Territory of Hawaii or for holding or disposing of real property. [L. 1953, c. 267, s. 1.]

[Sec. 8401.02]. SECTION 2. [Exemptions.] Corporations licensed pursuant to this Act shall be exempt from qualifying under chapter 152 of the Revised Laws of Hawaii 1945, as amended, known as the Hawaiian Bank Act of 1931, and shall not be subject to the provisions of chapter 111 of the Revised Laws of Hawaii 1945, as amended. [L. 1953, c. 267, s. 2.]

[Sec. 8401.03]. SECTION 3. [Application; necessary inclusions; fee.] The territorial treasurer is hereby authorized and directed to administer the provisions of section 1 hereof and to prescribe the form of application for such limited license. Such application shall include, among other things, the address of the home office, together with the name and business address of the person residing within the Territory upon whom legal notice and process from the courts of the Territory, or notices from officials of the Territory, may be served. Such limited license shall be granted those corporations meeting the requirements of this Act upon the payment of a license fee of \$100.00 for a one year license. Such license shall be renewable by the payment of the same amount as the annual license fee. [L. 1953, c. 267, s. 3.]

SECTION 4. This Act shall take effect upon approval.

(Approved June 12, 1953.) S. B. 698, Act 267.

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## Chapter 160. FIDUCIARIES AND INVESTMENTS.

### PART II. LOANS AND INVESTMENTS, SPECIAL.

§ 8438. **Mortgages and loans insured under federal laws; exempt from territorial requirements.** Am. L. 1945, Act 223 [C-147]; Am. L. 1949, Act 118 [C-232]; Am. Sp. L. 1949, Act 17 [C-33].

#### Series C-194: ACT 72

An Act to Amend Section 8438 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Exemption of Certain Mortgages from the Laws of the Territory of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8438** of the Revised Laws of Hawaii 1945, as amended by Act 223 of the Session Laws of 1945, Act 118 of the Session Laws of 1949 and Act 17 of the Special Session Laws of 1949, is hereby further amended by adding, in the second paragraph, in the third line, following the word "made" the words "or limiting the aggregate amount which is permitted to be invested in loans or advances of credit by reason of type of investment,". [L. 1935, c. 109, s. 1; am. L. 1937, c. 58, pt. of s. 1; am. L. 1941, c. 47, s. 1; R. L. 1945, s. 8438; am. L. 1945, c. 223, s. 1; am. L. 1949, c. 118, s. 1; am. L. 1953, c. 72, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 9, 1953.) **S. B. 306, Act 72.**

§ 8444. **Loans secured by mortgages insured under Title I of the Bankhead-Jones Farm Tenant Act, as amended.** NEW, L. 1949, Act 340 [C-233].

## Chapter 160A. FIDUCIARIES, UNIFORM ACT.

§§ 8445.01-.14. **Fiduciaries Act.** NEW, L. 1945, Act 197 [C-148].

## Chapter 161. INSURANCE COMPANIES AND INSURANCE LAW.

§ 8460. **Fees.** Am. L. 1945, Act 240 [C-149]; Am. L. 1949, Act 209 [C-234].

§ 8461. **Insurance terms defined.** Am. L. 1947, Act 89 [C-141]; Am. L. 1949, Act 209 [C-234]; Am. L. 1951, Act 176 [C-203].

§ 8463. **Kinds of insurance.** Am. L. 1947, Act 90 [C-142], Act 60 [C-145], Act 61 [C-146]; Am. L. 1949, Act 209 [C-234].

§ 8470. **Qualification of insurance companies; agent; process; bond, etc.** Am. L. 1949, Act 209 [C-234].

§ 8481. **Withdrawal of a foreign or alien company.** Am. L. 1949, Act 209 [C-234].

§ 8486. **Over-insurance and over-payment of loss prohibited; penalties.** Am. L. 1947, Act 90 [C-142].

§ 8487. **Annual tax statement; taxes, penalty.** Am. L. 1945, Act 240 [C-149], rewritten pp. 247-8; Am. L. 1953, Act 223 [A-102], *supra*.

### Series C-195: ACT 226

An Act to Amend Chapter 161 of the Revised Laws of Hawaii 1945, as Amended, Relating to Insurance.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 161 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting

therefrom sections 8487 and 8488 thereof and inserting, in lieu of said deleted sections, four new sections numbered and reading as follows:

**"Sec. 8487.01. Annual tax statement:** Each authorized insurer shall file with the commissioner annually on or before the thirtieth day of April in each year a statement signed by some duly authorized person on its behalf, setting forth the total business transacted, and the amount of gross premiums received by the insurer during the year ending on the preceding thirty-first day of December, from all risks or property resident, situated, or located within this Territory. The term 'gross premiums' as used in sections 8487.01 through 8488.01 shall not include consideration paid for annuities. [L. 1953, c. 226, pt. of s. 1.]

**Sec. 8487.02. Taxation:** 1. Each authorized insurer, except life insurers and ocean marine insurers, shall pay to the treasurer, through the commissioner, a tax of two and one-half per cent on the gross premiums received from all risks or property resident, situated, or located within this Territory, during the year ending on the preceding thirty-first day of December, less return premiums (but not including dividends paid or credited to policyholders), and less any reinsurance accepted (the tax upon such business being payable by the direct writing company).

2. Each life insurer shall pay to the treasurer, through the commissioner, a tax of two and one-fourth per cent on the gross premiums received from all risks resident within this Territory, during the year ending on the preceding thirty-first day of December, less return premiums, cash surrender values paid, dividends paid or credited to policyholders, and reinsurance accepted (the tax upon such business being payable by the direct writing company).

3. Each insurer shall, with respect to all ocean marine insurance contracts written within this Territory, during the year ending on the preceding thirty-first day of December, pay to the treasurer through the commissioner a tax of three-fourths of one per cent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance ceded) on such ocean marine insurance contracts, the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such

year under such contracts. In the case of an insurer issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this paragraph, the amount refunded, or paid as participation dividends, by such insurer to the holders of such contracts.

4. Such tax shall be due and payable on the thirtieth day of June succeeding the filing of the statement provided for in section 8487.01. Any insurer failing or refusing to render said statement and to pay the required taxes above stated, for more than thirty days after the time so specified, shall be liable to a penalty of twenty-five dollars for each day of delinquency, and the taxes may be collected by distraint, and the penalty recovered by an action to be instituted by the commissioner in the name of this Territory, in any court of competent jurisdiction, and the commissioner may suspend the certificate of authority of the delinquent insurer until the taxes and fine, should any be imposed, are fully paid.

5. Notwithstanding any provision in this section to the contrary, the tax on domestic insurers shall be computed and payable in a reduced amount as follows:

(a) For the year 1953, five per cent less than the amount computed in accordance with the applicable provisions of the preceding subsections of this section;

(b) For each succeeding year, such reduction for any domestic insurer shall be cumulatively increased by an additional five per cent until the reduction shall equal fifty per cent of the amount computed in accordance with the applicable provisions of the preceding subsections of this section, and thereafter such tax shall be fifty per cent of the amount so computed. [L. 1953, c. 226, pt. of s. 1.]

**Sec. 8488.01. Refunds:** In the event any person has paid to the commissioner any tax, fee, or other charge in error or in excess of that which he is lawfully obligated to pay, under the provisions of this chapter, the commissioner shall upon written request made by such person to him within six years of the date of such payment, authorize a refund thereof out of the general funds of this Territory by submitting a voucher therefor to the auditor of this Territory. [L. 1953, c. 226, pt. of s. 1.]

**Sec. 8488.02. In lieu provision.** As to insurers, the taxes and fees imposed by sections 8487.01 through 8488.02, and the fees imposed by this chapter, when paid shall be in settlement of and in lieu of all demands for

taxes, licenses or fees of every character imposed by the laws of this Territory, the ordinances or other laws, rules or regulations of any county, city and county, or any municipality of this Territory, except taxes on real property." [L. 1953, c. 226, pt. of s. 1.]

SECTION 2. This Act shall take effect as of January 1, 1953, but shall not affect, adversely to the Territory, any tax or other civil or criminal liability incurred by any authorized company or other person for the period prior to said date.

(Approved June 12, 1953.) H. B. 1007, Act 226.

§ 8488. Refunds. Am. L. 1953, Act 223 [A-102], supra.

§ 8490.01. Restrictions on the powers of insurance of domestic companies. NEW, L. 1945, Act 240 [C-149]; Am. L. 1947, Act 89 [C-141].

§ 8502. No agent to transact business without a license. Am. L. 1949, Act 209 [C-234]; Am. L. 1951, Act 297 [C-204].

§ 8504. Applications, examinations and restrictions. Am. L. 1945, Act 240 [C-149]; Am. L. 1949, Act 209 [C-234]; Am. L. 1951, Act 176 [C-203]; Act 297 [C-204].

§ 8505. Additional conditions. Am. L. 1951, Act 176 [C-203].

§ 8505-A. Commingling of funds and maintaining adequate records. NEW, L. 1949, Act 209 [C-234].

§ 8506. Examinations. Am. L. 1945, Act 240 [C-149]; Am. L. 1949, Act 209 [C-234]; Am. L. 1951, Act 297 [C-204].

§ 8508. Renewals. Am. L. 1949, Act 209 [C-234].

§ 8509. Rep. L. 1949, Act 209 [C-234].

§ 8511. Surplus lines license; bond; restrictions; taxes; violations. Am. L. 1949, Act 369 [C-235]; Am. L. 1953, Act 223 [A-102], supra.

§ 8514. N. Y. form. Am. L. 1945, Act 240 [C-149]; Am. L. 1947, Act 89 [C-141].

§ 8516. Adjuster's license. Am. L. 1947, Act 89 [C-141].

§ 8517-19. Rep. L. 1947, Act 61 [C-146].

§ 8520. Discrimination, etc. Am. L. 1947, Act 61 [C-146].

§ 8521-23. Rep. L. 1947, Act 61 [C-146].

§ 8524. Information, etc. Am. L. 1947, Act 89 [C-141].

§ 8526. Fire marshal, rules. Am. L. 1949, Act 364 [C-236], rewritten p. 537.

§ 8533.01. Plans, etc. NEW, L. 1945, Act 166 [C-150].

§ 8541 (3). Incontestibility. Am. L. 1945, Act 240 [C-149]; Am. L. 1949, Act 209 [C-234].

§ 8541 (6, 7). Loans, default. Am. L. 1947, Act 221 [C-143].

§ 8541.01. Group life insurance definitions and standard provisions. NEW, L. 1949, Act 388 [C-237]; Am. L. 1951, Act 246 [C-205].

§ 8542 (1). Life ins. Am. L. 1947, Act 221 [C-143], rewritten p. 325.

§ 8544. Life insurance policies, valuation. Am. L. 1947, Act 221 [C-143].

§ 8545. Proceeds of insurance policy exempt from execution, etc., exceptions. Am. L. 1945, Act 240 [C-149].

§ 8546.01-.05. Assignments. NEW, L. 1947, Act 182 [C-144].

§ 8546.06. Industrial, etc. NEW, L. 1949, Act 209 [C-234].

§ 8546.07. Uniform individual accident and sickness policy provisions law. Am. L. 1951, Act 241 [C-206].

## Chapter 161A. CASUALTY INSURANCE — MOTOR VEHICLES.

§§ 8551.01-.17. **Insurance rates, motor vehicles.** NEW, L. 1947, Act 60 [C-145].

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## Chapter 161B. FIRE, MARINE, ETC.

§§ 8552.01-.16. **Marine insurance.** NEW, L. 1947, Act 61 [C-146].

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## Chapter 161C. REGULATION OF TRADE PRACTICES — INSURANCE BUSINESS.

§§ 8553.01-.14. **Regulation of trade practices, insurance business.** Am. L. 1951, Act 298 [C-207].

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## Chapter 163. PARTNERSHIPS.

§ 8609. **Personal liability and penalty.** Am. L. 1949, Act 34 [C-238], rewritten p. 547.

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## Chapter 164. TRUST COMPANIES.

§ 8661. **Investments.** Am. L. 1947, Act 125 [C-147]; Am. L. 1951, Act 149 [C-208]; Act 286 [C-209].

§ 8661.01. **Use of nominees permitted.** NEW, L. 1947, Act 129 [C-148].

§ 8662. Rep. (?) L. 1947, Act 130 [C-150].

§ 8663. Rep. L. 1947, Act 128 [C-149].

§§ 8674-83. **Common trust fund.** NEW, L. 1947, Act 130 [C-150].

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## Series C-196: ACT 151

An Act Amending Section 8677 of the Revised Laws of Hawaii 1945, Relating to Common Trust Funds.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 8677** of the Revised Laws of Hawaii 1945, as enacted by Act 130 of the Session Laws of Hawaii 1947, is hereby amended by deleting therefrom the figure "\$25,000.00" and inserting in lieu thereof the figure "\$100,000.00". [L. 1947, c. 130, pt. of s. 1; am. L. 1953, c. 151, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 1, 1953.) H. B. 701, Act 151.

## Title 22: GENERAL BUSINESS LAW.

Chapter 164A. ACCOUNTS RECEIVABLE,  
ASSIGNMENT AND NOTICE.

§§ 8691-8698. Assignment of accounts receivable, notice, etc. NEW, L. 1951, Act 45 [C-210].

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## Chapter 165. ARBITRATION AND AWARDS.

§ 8708. Confirming award. Am. L. 1949, Act 347 [C-239].

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## Chapter 169. LIENS, GENERALLY.

- §§ 8767.01-.04. Laundering, etc. NEW, L. 1945, Act 188 [C-151].  
 § 8769. Lien; when allowed; lessees, etc. Am. L. 1949, Act 241 [C-240]; Am. Sp. L. 1949, Act 28 [C-34].  
 § 8769.01. Definitions. NEW, L. 1949, Act 241 [C-240].  
 §§ 8770-71. Filing notice, contents, records. Am. L. 1949, Act 241 [C-240].  
 § 8772. Priority, record of; satisfaction. Am. L. 1949, Act 241 [C-240]; Am. L. 1951, Act 95 [C-211].  
 § 8773. Demand; enforcement; foreclosure; other attachment. Am. L. 1949, Act 241 [C-240].  
 § 8775. Lien on personalty for work done and materials furnished. Am. L. 1949, Act 187 [C-241].  
 §§ 8780-83. Rep. L. 1951, Act 39 [C-218].
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## Chapter 170. LOANS: INDUSTRIAL LOAN ACT.

- § 8811.01. Annual license fee. Am. L. 1951, Act 88 [C-212].  
 § 8815. Interest rates; other charges; refunds. Am. L. 1951, Act 97 [C-213].

## Series C-197: ACT 228

An Act to Amend Section 8815 of the Revised Laws of Hawaii 1945, as Amended, Relating to Industrial Loan Regulatory Provisions.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection 6 of **section 8815** of the Revised Laws of Hawaii 1945, as amended by Act 97, Session Laws of Hawaii 1951, is hereby amended by deleting the period at the end of the last sentence thereof and by adding thereto the following clause:

“; **provided**, that the company shall not be required to refund any portion of such unearned discount or interest

which results in a minimum discount or interest retained on the contract of less than \$15.00."

SECTION 2. Subsection 8 of **section 8815** of the Revised Laws of Hawaii 1945, as amended, is hereby amended by adding thereto the following paragraph:

"(5) A charge not exceeding ten dollars upon the transfer of any equity under a chattel mortgage or a conditional sale contract."

SECTION 3. **Section 8815** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new subsection to be numbered 9 as follows:

"9. Minimum discount or interest on conditional sale. When the discount or interest on a conditional sale contract of \$100.00 or more is less than fifteen dollars, a charge for discount or interest of fifteen dollars shall be allowed." [L. 1937, c. 231, pt. of s. 1; am. L. 1939, c. 75, pt. of s. 1 (6782L); R. L. 1945, s. 8815; am. L. 1951, c. 97, s. 1; am. L. 1953, c. 228, ss. 1, 2, 3.]

SECTION 4. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **H. B. 952, Act 228.**

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### Series C-198: ACT 80

An Act to Amend Chapter 170 of the Revised Laws of Hawaii 1945, Relating to Industrial Loans.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 170 of the Revised Laws of Hawaii 1945, as amended, is hereby amended further by adding a new section as follows:

"**Sec. 8817.01. Discount with recourse.** In the event a licensee acquires a retail installment contract, as defined in section 9141, from a retail seller under an agreement the effect of which is that the licensee does not suffer loss if the retail buyer does not perform the retail installment contract, then at the time the licensee acquires the retail installment contract the licensee is required to:

1. Obtain from the retail seller a statement which contains the information required to be given to the retail buyer by section 9162; and

2. Either possess a written agreement which fully sets forth the terms under which contracts originated by



the retail seller will be acquired by the licensee, including reference to any retention by the licensee of proceeds of acquisition to be held as a reserve fund by the licensee, or render to the retail seller, at the time the contract is acquired a statement of the transaction, covering the acquisition of the particular retail installment contract." [L. 1953, c. 80, s. 1.]

SECTION 2. Section 8814 of chapter 170 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof a new subsection to read as follows:

"(6) To issue and sell certificates for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without allowance of interest on such installments; **provided**, that nothing herein shall be construed to authorize any industrial loan company to receive deposits or to create any liability due on demand. The certificates issued by any such company shall be approved as to form by the bank examiner, and shall bear upon the face of the instrument the words, 'THIS IS NOT A CERTIFICATE OF DEPOSIT'.

No industrial loan company shall have outstanding at any time its certificates in an aggregate sum in excess of five times the aggregate amount of its paid-up capital and surplus.

Every industrial loan company shall at all times maintain and have on hand a reserve in an amount equal to two per cent (2%) of its liabilities on outstanding certificates." [L. 1937, c. 231, pt. of s. 1; am. L. 1939, c. 75, pt. of s. 1 (6782K); R. L. 1945, s. 8814; am. L. 1953, c. 80, s. 2.]

SECTION 3. This Act shall take effect upon its approval.

(Approved May 18, 1953.) S. B. 307, Act 80.

§ 8823.01. **Suspension, revocation or surrender of license.** Am. L. 1951, Act 87 [C-214].

## Chapter 171. LOANS: SMALL LOAN ACT.

### Series C-199: ACT 73

An Act to Amend Chapter 171 of the Revised Laws of Hawaii 1945, Relating to Small Loans.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 171 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) In **section 8846**, in the third paragraph, by deleting the period which follows the word "received" at the end of the first sentence, substituting therefor a comma, and adding, following the comma:

"except: (1) lawful fees actually paid out by the licensee to any public officer (i) for filing, recording, or releasing any instrument securing the loan, or (ii) for transferring certificate of title to a motor vehicle securing the loan or noting a lien on such certificate; (2) premiums actually paid out for insurance on the life or pledged property of the borrower; and (3) taxable costs and expenses to which the licensee becomes entitled under general law in any court proceedings either to collect a loan or to realize on a security after default. A licensee is permitted to collect the lawful fees and premiums, mentioned in the immediately preceding sentence, either at the time when the loan is made or at any time thereafter." [L. 1937, c. 232, pt. of s. 1 (7058-N); R. L. 1945, s. 8846; am. L. 1953, c. 73, s. 1 (1).]

(2) In **section 8847**, by adding, as a new paragraph, following the words "Every licensee shall:" and preceding the present paragraphs, "Provide, in any loan contract, for repayment of principal and charges in installments, payable at the end of approximately equal intervals of time with not to exceed forty-five days between payment dates, and so arranged that no installment is substantially larger than any other installment; if the installments are payable at a monthly interval, the first installment is permitted to be payable at any time within forty-five days of the date of the loan."

(3) In **section 8847**, by deleting the last paragraph, which is "Include in all advertising a statement of the rate of charges to be made, expressed on an annual basis, as nearly as such rates will permit." [L. 1937, c. 232, pt. of s. 1 (7058-O); R. L. 1945, s. 8847; am. L. 1953, c. 73, s. 1 (2) (3).]

(4) In **section 8855**, in the second paragraph, in the second sentence, by deleting the comma which follows the word "examiner", substituting therefor a period, and deleting the words "who shall make and publish annually an analysis and recapitulation of such reports." [L. 1937, c. 232, pt. of s. 1 (7058-K); R. L. 1945, s. 8855; am. L. 1953, c. 73, s. 1 (4).]

(5) In **section 8859**, by deleting the third sentence thereof beginning with the words "All rules and regulations". [L. 1937, c. 232, pt. of s. 1 (7058-Y); R. L. 1945, s. 8859; am. L. 1953, c. 73, s. 1 (5).]

**SECTION 2.** This Act shall take effect upon its approval.

(Approved May 9, 1953.) **S. B. 308, Act 73.**

Chapter 172. MORTGAGES.

§ 8871. **Lien of mortgages; priority.** Am. L. 1951, Act 202 [C-215], partly rewritten p. 525.

Chapter 173A. RELEASE OF POWERS.

§§ 9095.01-.03. **Release of powers.** NEW, L. 1947, Act 126 [C-151].

Chapter 174. SALE OF SECURITIES, UNIFORM ACT.

§ 9104. **Exempt securities.** Am. L. 1949, Act 210 [C-242].

§ 9105. **Exempt transactions.** Am. L. 1949, Act 210 [C-242].

**Series C-200: ACT 253**

An Act to Amend Section 9105 of the Revised Laws of Hawaii 1945, as Amended, Relating to Sale of Securities.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 9105** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting subparagraph 3 of said section and substituting in lieu thereof a new subparagraph 3 to read as follows:

"3. **Isolated transaction.** An isolated transaction in which any security is sold, or offered for sale, subscription or delivery by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security. The word owner as used in this paragraph 3 shall include the issuer corporation."

SECTION 2. Subparagraph 9 of **section 9105** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the word "twenty-five" on the 4th line thereof, the word "fifty".

SECTION 3. **Section 9105** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new subparagraph to read as follows:

"10. **Certain transactions.** The sale by a domestic corporation of its securities of any class to not more than

fifty persons if no commission, profit or other compensation is paid for the sale of any of such securities and such securities are issued and disposed of without the use of advertisements, circulars, agents, salesmen, solicitors or any other form of public solicitation." [L. 1931, c. 252, s. 5; R. L. 1935, s. 7334; R. L. 1945, s. 9105; am. L. 1949, c. 210, s. 1 (b) (c); am. L. 1953, c. 253, ss. 1, 2, 3.]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **S. B. 438, Act 253.**

§ **9107. Registration by notification.** Am. L. 1949, Act 210 [C-242].

§ **9108. Registration by qualification; application to commissioner; hearing, etc.** Am. L. 1949, Act 210 [C-242].

§ **9110. Revocation of registration of securities; suspension during investigation; hearing.** Am. L. 1949, Act 210 [C-242].

§ **9117. Penalty.** Am. L. 1949, Act 210 [C-242], rewritten p. 561.

§ **9120. Advertising.** Am. L. 1949, Act 210 [C-242].

§ **9148. Liens.** Am. L. 1949, Act 178 [C-243].

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## Chapter 179. TRADE MARKS, ETC.

§ **9286. Application for certificate; fee.** Am. L. 1947, Act 163 [C-152].

§ **9288. Certain prints, labels, etc. not to be adopted or used.** Am. L. 1951, Act 135 [C-216].

§ **9290. Revocation.** Am. L. 1947, Act 163 [C-152].

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## Chapter 180. TRADE REGULATIONS.

§§ **9308.01-.08. Unfair trade; sale surplus (U.S.) goods.** NEW, L. 1945, Act 214 [C-152].

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## Chapter 181A. TRUST RECEIPTS: UNIFORM ACT.

§§ **9341-9361. Trust receipts; uniform act.** NEW, L. 1951, Act 43 [C-217].

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## Chapter 181B. WAREHOUSE RECEIPTS: UNIFORM ACT.

§§ **9371-9432. Warehouse receipts; uniform act.** NEW, L. 1951, Act 39 [C-218].

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## PART D. COURTS.

### Title 28: APPEAL AND ERROR.

## Chapter 182. APPEALS: BONDS.

§ 9501. **From district magistrate; deposits of costs; procedure.** Am. L. 1951, Act 272 [D-219], rewritten.

## Series D-201: ACT 36

An Act to Amend Section 9501 of the Revised Laws of Hawaii 1945, Relating to Appeals from District Magistrates.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 9501** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "accrued" in line 4 thereof the words "and unpaid". [L. 1892, c. 57, s. 68; am. L. 1909, c. 23, s. 3; am. L. 1919, c. 57, s. 1; R. L. 1925, s. 2508; am. L. 1925, c. 146, s. 1; R. L. 1935, s. 3500; am. L. 1939, c. 19, ss. 1, 4; R. L. 1945, s. 9501; am. L. 1951, c. 272, s. 1; am. L. 1953, c. 36, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 28, 1953.) H. B. 554, Act 36.

§ 9503. **From circuit judge in chambers.** Am. L. 1945, Act 194 [D-153].

§ 9508. **Amendments, etc.** Am. Sp. L. 1949, Act 41 [D-35].

## Title 24: COURTS, ETC.

## Chapter 188. SUPREME COURT.

§§ 9618.01-.04. **Rules, criminal procedure.** NEW, L. 1949, Act 380 [D-244].

## Chapter 189. CIRCUIT COURTS.

§ 9633. **First circuit court judges.** Am. L. 1945, Act 142 [D-154]; Am. L. 1951, Act 26 [D-220].

## Series D-202: ACT 129

An Act to Amend Section 9633 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Designation of an Administrative Judge of the Circuit Court of the First Circuit, and the Assignment of Causes of Action to Judges.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 9633** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding the following sentence to the first paragraph thereof:

"The chief justice of the supreme court shall designate one of the judges of the circuit court for each term of court to be the administrative judge who shall assign

causes within the circuit court to the judges thereof by reason of disqualification or other reason according to law." [L. 1892, c. 57, pt. of s. 30; am. L. 1901, c. 19, s. 1; am. L. 1903, c. 32, s. 7; am. L. 1921, c. 183, s. 1; R. L. 1925, s. 2236; R. L. 1935, s. 3632; am. L. 1939, c. 57, s. 1; R. L. 1945, s. 9633; am. L. 1945, c. 142, s. 1; am. L. 1951, c. 26, s. 1; am. L. 1953, c. 129, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 25, 1953.) **H. B. 658, Act 129.**

§ 9640. **Term, etc.** Am. L. 1947, Act 134 [D-153].

§ 9642. **When judge may be required to preside in another circuit.** Am. L. 1949, Act 37 [C-245].

§ 9644. **Adjournment, etc.** Am. L. 1947, Act 220 [D-154].

§ 9655. **First circuit, juvenile.** Am. L. 1945, Act 142 [D-154].

§ 9656. **Probation officers.** Am. L. 1945, Act 142 [D-154], rewritten p. 261.

§§ 9656.01-.02. **Probation officers to inspect night clubs.** NEW, L. 1949, Act 159 [D-246].

§ 9658. **Rent appeals.** Am. L. 1945, Act 178 [D-155], rewritten p. 264.

## Chapter 190. DISTRICT COURTS.

§ 9671. **District magistrates.** Am. L. 1945, Act 80 [D-156]; Am. L. 1947, Act 173 [D-155].

§ 9673. **Disqualification, absence, vacancy; temporary district magistrate.** Am. L. 1949, Act 228 [D-247].

### Series D-203: ACT 34

An Act Amending Section 9674, Revised Laws of Hawaii 1945, Relating to Civil Jurisdiction of District Courts.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9674 of the Revised Laws of Hawaii 1945 is hereby amended by striking out the words "five hundred" in line 6 thereof and inserting in lieu thereof the words "one thousand". [L. 1892, c. 57, s. 10; am. L. 1923, c. 20, s. 1; R. L. 1925, s. 2274; R. L. 1935, s. 3763; am. L. 1935, c. 95, s. 1; R. L. 1945, s. 9674; am. L. 1953, c. 34, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 28, 1953.) **H. B. 251, Act 34.**

§ 9674.01. **Ejectment proceedings.** NEW, L. 1949, Act 315 [D-248].

§ 9675. **Powers; witness fees.** Am. L. 1951, Act 278 [D-221], rewritten pp. 557, 558.

§ 9677. **Same, powers.** Am. L. 1947, Act 231 [D-156], rewritten p. 371.

## Chapter 191. ATTORNEYS.

§ 9701. **Qualifications.** Am. L. 1945, Act 226 [D-157]; Am. Sp. L. 1949, Act 67 [D-36].

§ 9713. **Not to practice without license.** Am. Sp. L. 1949, Act 38 [D-37].

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## Chapter 192. CLERKS, ETC.

§ 9722. **Temporary assistants.** Am. L. 1951, Act 192 [D-222].

§ 9724.01. **Free copies of certain decrees to veterans.** NEW, L. 1949, Act 44 [D-250].

§ 9728. **Interpreters, etc.** Am. L. 1945, Act 80 [D-156]; Am. L. 1947, Act 26 [D-157], rewritten p. 372.

## Series D-204: ACT 35

An Act to Amend Section 9728 of the Revised Laws of Hawaii 1945, Relating to Clerks of the District Courts, Including the Power to Administer Oaths.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9728 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following paragraph to read as follows:

"All duly appointed clerks of the district courts in the Territory shall have power to administer oaths to witnesses." [L. 1898, c. 8, s. 1; am. L. 1915, c. 208, s. 1; R. L. 1925, s. 2298; am. L. 1929, c. 101, s. 2; R. L. 1935, s. 3697; am. L. 1941, c. 52, s. 1; am. L. 1943, c. 69, s. 1; R. L. 1945, s. 9728; am. L. 1945, c. 80, s. 3; am. L. 1947, c. 26, s. 2; am. L. 1953, c. 35, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 28, 1953.) H. B. 372, Act 35.

§ 9729. Rep. L. 1947, Act 26 [D-157].

361 § 9733. **Salary and perquisites of reporters.** Am. L. 1949, Act [D-251].

§ 9734. **Balliffs, etc.** Am. L. 1945, Act 249 [D-158].

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## Chapter 193. COSTS AND FEES.

§ 9742. **To be accounted for.** Am. L. 1945, Act 57 [D-159].

387 § 9744. **Schedule.** Am. L. 1945, Act 55 [D-160]; Am. L. 1949, Act [D-252].

§ 9745. **Costs, circuit courts and circuit judges in chambers.** Am. L. 1945, Act 94 [D-161].

§ 9748. **High sheriff's or serving or levying officer's fees.** Am. L. 1949, Act 387 [D-252], rewritten pp. 575-6.

§ 9757. Fees and expenses of executors, administrators, trustees and guardians. Am. L. 1951, Act 170 [D-223], rewritten pp. 561, 562.  
§ 9757.01. Attorneys' fees for ordinary proceedings; extraordinary services. Am. L. 1951, Act 167 [D-224].

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## Chapter 194. EXPENSES AND SALARIES.

§ 9771. Personnel and Expenses. Am. L. 1945, Act 35 [D-162]; Act 142 [D-154].  
§ 9771.01. Transition provisions. NEW, L. 1945, Act 35 [D-162].  
§ 9772-76. Rep. L. 1945, Act 35 [D-162].  
§ 9779. Hawaii. Am. L. 1947, Act 171 [D-159]; Am. L. 1951, Act 282 [D-225].  
§ 9781. Maui. Am. L. 1947, Act 26 [D-157].  
§ 9782-3. Rep. L. 1949, Act 228 [D-247].

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## Chapter 195. JURORS.

§ 9791. Qualifications. Am. L. 1945, Act 163 [D-165], rewritten p. 274; Am. L. 1951, Act 91 [D-226].  
§ 9797. Pay. Am. L. 1945, Act 62 [D-163].  
§ 9798. Certificate. Am. L. 1945, Act 62 [D-163].  
§ 9799. Commission; qualifications and commissioners. Am. L. 1949, Act 75 [D-253].  
§ 9800. Jury list. Am. L. 1945, Act 149 [D-164].

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## Series D-205: ACT 55

An Act to Amend Section 9800 of the Revised Laws of Hawaii 1945, as Amended by Act 149 of the Session Laws of Hawaii 1945, Relating to Jury Lists.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9800 of the Revised Laws of Hawaii 1945, as amended by Act 149 (D-164) of the Session Laws of Hawaii 1945, is hereby further amended by substituting for the words "six hundred and fifty" in the sixth line thereof, the words "one thousand". [L. 1903, c. 38, s. 7; am. L. 1905, c. 74, s. 3; am. L. 1923, c. 170, pt. of s. 1; R. L. 1925, s. 2402; am. L. 1932, 1st, c. 18, s. 4; am. L. 1933, c. 111, s. 2; R. L. 1935, s. 3719; am. imp. L. 1943, c. 141; R. L. 1945, s. 9800; am. L. 1945, c. 149, s. 1; am. L. 1953, c. 55, s. 1.]

SECTION 2. This Act shall first take effect for the purpose of making jury lists, at the first term of court occurring after its approval.

(Approved May 1, 1953.) S. B. 534, Act 55.

§ 9800.01. Restrictions. NEW, L. 1945, Act 163 [D-165].



§ 9801.01. **Commission; authority to distribute questionnaires; failure to complete and return questionnaire designated as contempt.** Am. L. 1951, Act 35 [D-227].

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Title 25: EVIDENCE.

Chapter 196. EVIDENCE AND WITNESSES,  
GENERALLY.

§ 9827. **Fees.** Am. L. 1945, Act 38 [D-166].

§ 9847.02. **Adverse party.** NEW, L. 1945, Act 183 [D-167].

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Chapter 197. DEPOSITIONS: PERPETUATION OF  
TESTIMONY. DEPOSITIONS, TO BE USED IN  
FOREIGN JURISDICTION.

§ 9869.01. **In what cases depositions may be taken.** NEW, L. 1951, Act 199 [D-228].

§ 9869.02. **Subpoena to witness.** NEW, L. 1951, Act 199 [D-228].

§ 9869.03. **Taking and return of deposition.** NEW, L. 1951, Act 199 [D-228].

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Chapter 198. DOCUMENTARY EVIDENCE.

§ 9883. **Facsimile copies.** Am. L. 1945, Act 17 [D-168].

§ 9883.01-.04. **Photographic reproductions of business and public records.** Am. L. 1951, Act 104 [D-229].

§ 9886. **Ordinances, etc.** Am. L. 1945, Act 195 [D-169].

§ 9890. **Archives, fees.** Am. L. 1945, Act 109 [D-170].

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Series D-206: ACT 159

An Act Amending Section 9890 of the Revised Laws of Hawaii 1945, As Amended, Relating to Certificates of Copies of Records in the Public Archives and Relating to Charges to Be Made therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9890 of the Revised Laws of Hawaii 1945, as amended, is further amended to read as follows:

“**Sec. 9890. Certificate to same.** The secretary of the Territory, as chairman of the board of commissioners of public archives and the archivist or other officer performing the duties of archivist or custodian of the public archives are severally authorized and empowered to certify, as true and correct, copies or reproductions of any of the books, documents, papers, writings, or other

records, or excerpts therefrom in their custody. Fees shall be charged as follows:

For comparing any copy of any record privately made as to its correctness, five cents for each 100 words or fraction thereof;

For copying any record, sixty cents for each 100 words or fraction thereof;

For searching of a ship's manifest as to an arrival, one dollar;

For each hour or fraction thereof, required in research or in transporting and safeguarding records required to be temporarily removed from the archives building for any purpose, and not covered hereinabove, one dollar;

For a photographic, microphotographic, photo-static or other similarly reproduced copy of any record made in the archives building, one dollar;

For the certification as to the correctness of any copy, fifty cents;

For the translation of any document or phrase from Hawaiian into English and/or English into Hawaiian, one dollar per hour or fraction thereof.

The above fees shall not be charged where the work involved is required by any department or branch of the federal, territorial or county governments." [L. 1909, c. 8, s. 2; R. L. 1925, s. 2603; am. L. 1932, 2d, c. 21, s. 1; R. L. 1935, s. 3842; R. L. 1945, s. 9890; am. L. 1945, c. 109, s. 1; am. L. 1953, c. 159, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 1, 1953.) S. B. 186, Act 159.

§§ 9897.01-.03. **Death of missing persons.** NEW, L. 1945, Act 148 [D-171].

## Title 26: PLEADINGS AND PROCEDURE.

### Chapter 202. DECLARATORY JUDGMENTS.

§ 9971. **Jurisdiction; controversies subject to.** Am. L. 1945, Act 74 [D-172].

### Chapter 203. CIVIL ACTIONS, DISTRICT COURTS.

#### Series D-207: ACT 63

An Act to Amend Section 10001 of the Revised Laws of Hawaii 1945, Relating to Suits in the District Courts.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 10001** of the Revised Laws of Hawaii 1945 is hereby amended by substituting a comma for the period at the end of the last line thereof and adding thereto the following: "unless a further extension shall be allowed by the court on motion made by the plaintiff." [L. 1892, c. 57, s. 14; am. L. 1915, c. 105, s. 1; am. L. 1921, c. 40, s. 1; am. L. 1923, c. 192, s. 1; R. L. 1925, s. 2318; R. L. 1935, s. 4000; am. L. 1937, c. 82, s. 1; R. L. 1945, s. 10001; am. L. 1953, c. 63, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 7, 1953.) **H. B. 1005, Act 63.**

§ **10013. Small claims.** Am. **L. 1949, Act 259 [D-254].**

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## Chapter 204. CIVIL ACTIONS, GENERALLY.

### Series D-208: ACT 167

An Act Relating to Service of Summons in Suits Arising Out of the Negligent Operation of Motor Vehicles in the Territory of Hawaii By, Or With the Consent of, Nonresidents.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 10062.01**]. SECTION 1. [**Non-resident operators; service of summons.**] The operation by a nonresident or by another person with the permission or consent of such nonresident, express or implied, of any motor vehicle upon a public highway in this Territory shall be deemed equivalent to an appointment by such nonresident of the treasurer of the Territory to be his true and lawful attorney upon whom may be served the summons in any action or proceeding against him growing out of any accident or collision in which such nonresident and such motor vehicle so operated may be involved. Such operation of such motor vehicle shall be deemed a signification of his agreement that any such summons against him which is so served shall be of the same legal force and validity as if served upon him personally within this Territory. Service of such summons shall be made by leaving a certified copy thereof with the treasurer of the Territory, or his deputy, who shall keep a record of each such summons and the day and hour of service, and such service shall be sufficient service upon such nonresident, **provided** that notice of such service and a certified copy of the summons are served upon the defendant personally by

any person authorized to serve process in the place in which he may be found or sent by registered mail, postage prepaid, with return receipt requested, by the plaintiff or his attorney to the defendant. The plaintiff or his attorney shall file an affidavit showing that such notice and such copy of summons were served as aforesaid or sent by registered mail as aforesaid, and in the latter case the return receipt shall be filed with such affidavit.

The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. [L. 1953, c. 167, s. 1.]

SECTION 2. This Act shall not be construed as repealing or amending any other provision of law relating to the service of process nor as establishing an exclusive method of service of process in cases to which this Act may apply.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1953.) **H. B. 10, Act 167.**

§§ **10067.01-.03. Services of judicial process.** NEW, **Sp. L. 1949**, Act 4 [D-38].

#### Chapter 206. JUDGMENT, NEW TRIAL.

§ **10133. District court judgment.** Am. **L. 1947**, Act 158 [D-160].

§ **10134. Circuit court judgment.** Am. **L. 1947**, Act 158 [D-160].

#### Title 27: CIVIL REMEDIES AND DEFENSES.

#### Chapter 207. ATTACHMENT AND EXECUTION.

§ **10144. Bond.** Am. **L. 1947**, Act 190 [D-161], rewritten pp. 377-8.

§ **10163.01. Bond on execution.** NEW, **L. 1945**, Act 132 [D-173].

#### Chapter 210. ESCHEAT.

§ **10246. In the custody of court clerks.** Am. **L. 1949**, Act 396 [D-255].

#### Series D-209: ACT 208

An Act to Provide for the Escheat of Corporate Stock in Certain Circumstances and to Amend Chapter 210 of the Revised Laws of Hawaii 1945, as Amended.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 210 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding there-

to a new subtitle and new sections to be numbered and to read as follows:

### "CORPORATE STOCK

**Sec. 10250.01. Definitions.** Unless a different meaning clearly appears from the context, the word, phrase, or term 'owner', 'beneficial owner', 'person', 'person having any interest', 'person entitled to', or any word, term or phrase of similar import, shall mean, include and refer to corporations, companies, associations, societies, firms, partnerships, joint stock companies, fiduciaries of any nature, as well as individuals.

**Sec. 10250.02. Owner or whereabouts unknown; escheat.** Whenever the owner, beneficial owner, or person entitled to any corporate stock issued by any Hawaiian corporation, has been or shall be and remain unknown for a period of fourteen successive years, or whenever the whereabouts of such owner, beneficial owner or person, has been or shall be and remain unknown for a period of fourteen successive years, then, in either event, such corporation stock shall escheat to the Territory.

**Sec. 10250.03. Jurisdiction of the circuit court of the first judicial circuit.** The circuit court of the first judicial circuit shall have jurisdiction in all cases where an escheat has occurred or shall occur under the preceding section.

**Sec. 10250.04. Information; discovery; notice of hearing.** Whenever the attorney general shall become aware of the fact that any corporate stock has escheated or is supposed to have escheated to the Territory under the provisions of section 10250.02, he shall file an information in the circuit court of the first judicial circuit setting forth the facts upon which the claim of the Territory to such escheat is based. The corporation which issued said stock and any person within the Territory known to the attorney general to have custody of the certificate representing said stock shall be named in said information as defendants. Such information shall set forth such other facts as may be pertinent to the issue and shall petition the court to enter a decree escheating the corporate stock mentioned in said information to the Territory of Hawaii. Any defendant may, after the filing of such information be required by an order of the circuit court to furnish to the attorney general all information such defendant may have with respect to the last known address of any person having any interest in said stock together with any other information relating thereto.

The circuit court shall, upon the filing of such information make an order requiring each defendant to answer the information within twenty days after service of said information upon such defendant. Such order shall contain such other directions as the court may deem appropriate for the speedy determination of the cause, the protection of the stock, or for the disclosure of information pertinent to the prosecution of the cause. A copy of the information and order shall be served upon each defendant as in other actions at law, whereupon the defendants shall, within said twenty days, answer said petition and comply with said order. After the expiration of said twenty days the court shall, by a further order, designate a time and place for the hearing of said information.

A notice as approved by the court containing a summary of the order designating the time and place of hearing and describing the corporate stock of which escheat is sought and stating the name of the last known owner of said stock and the last known address of said owner shall be published once a week for three successive weeks in a newspaper of general circulation in the Territory designated by the court. Such notice shall direct that any person who may claim to be entitled to the corporate stock mentioned in the information, or to any part thereof or interest therein, shall file with the court his claim in writing, at least five days prior to the date fixed for the hearing.

**Sec. 10250.05. Filing claim; answer.** Any person claiming to be entitled to the corporate stock described in the information, or to any part thereof, or to any interest therein, shall file his claim in the general form of an answer to the information, which answer shall set forth why the answering party contends that the stock mentioned in the information should not escheat to the Territory, and, if the answering party shall claim any right to or interest in said stock, the nature thereof.

**Sec. 10250.06. Hearing; final decree; costs; sale by the territorial treasurer.** The court shall at the time of hearing take such evidence as may be proper, and proceed to determine the cause and enter such final decree as shall be equitable and just. Such decree may determine the title to such corporate stock, and where the court shall find that such corporate stock, in whole or in part, has escheated to the Territory the decree shall so declare, and such corporate stock, or so much of it as the court shall decree, shall thereupon escheat to the Territory.

In the event no answering pleading be filed within the time fixed by order of the court, the court may proceed upon the information alone and enter a decree declaring that the stock described in the information has escheated to the Territory.

All the proceedings outlined herein shall be in conformity with the rules and practice of the circuit court in other actions at law except as herein otherwise specified.

The defendants shall be allowed their costs, including reasonable attorney's fees, and such costs shall be fixed by the court in its final decree.

Upon the filing of a final decree escheating corporate stock, the territorial treasurer shall sell the same at public auction and deposit the proceeds thereof into the treasury of the Territory less any costs allowed by the court which shall be paid by the treasurer as directed in said decree. Said final decree shall provide that the corporation which issued said stock shall issue a new certificate representing said stock to the person to whom the same shall be sold by the territorial treasurer upon payment by the purchaser of the amount of all transfer taxes and stamps required in connection with the issuance of a new certificate. If the person having custody of the old certificate representing said stock shall be a defendant in the proceeding the final decree shall also provide that said old certificate shall be surrendered to the corporation to be cancelled.

**Sec. 10250.07. Operation of decree as release and discharge.** Any decree entered pursuant to the foregoing section shall operate as a full, absolute and unconditional release and discharge of the corporation which issued said stock and of any person having custody of the certificate representing said stock from any and all claims, demands, or liability to any person whatsoever other than the territorial treasurer and his assigns with respect to such stock, and such decree may be pleaded as an absolute bar to any action brought against such corporation or person with respect to such stock by any person other than the territorial treasurer and his assigns.

**Sec. 10250.08. Joinder of defendants.** It shall be lawful to join in one information more than one escheatable corporate stock issued by one or more corporations and more than one defendant having possession of a certificate representing such stock.

**Sec. 10250.09. Appeals.** Any person aggrieved by an order or decree of the court, declaring or denying the

escheat of any corporate stock, may appeal therefrom and the proceedings upon such appeal shall be as in the case of appeals from any order or decree of the circuit court.

**Sec. 10250.10. Title of purchasers absolute.** The title to stock acquired by purchasers sold under and by the provisions of section 10250.06 shall be absolute.

**Sec. 10250.11. Certified copy of decree to territorial treasurer.** Upon the final adjudication of any escheat proceedings involving corporate stock, the attorney general shall cause a duly certified copy of the decree to be transmitted to the territorial treasurer.

**Sec. 10250.12 Claim to proceeds within two years; repayment.** Any person whose corporate stock or whose interest in corporate stock may have escheated to the Territory, or his successor in interest, may within two years after the filing of the final decree in the circuit court, claim the proceeds received by the territorial treasurer from the sale of said stock by filing a petition in said circuit court, notice whereof shall be given to the attorney general who may appear and defend on behalf of the Territory. Upon proof that such person was without actual knowledge of such escheat proceedings, and of proof of ownership of such stock or any interest therein, the court shall direct the territorial treasurer to repay to such person the share to which he shall be entitled of the proceeds received by the territorial treasurer from the sale of said stock less all expenses and charges that may have accrued or been paid out of said proceeds by reason of the entry of said final decree." [L. 1953, c. 209, s. 1.]

**SECTION 2. Invalidity.** If any section, sentence, clause or phrase of this Act, or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 3.** This Act shall take effect upon its approval.

(Approved June 8, 1953.) **H. B. 1050, Act 208.**

**§ 10251. Unclaimed dividends.** NEW, **L. 1947, Act 127 [D-162].**



Chapter 214. HABEAS CORPUS.

Series D-210: ACT 101

An Act to Amend the Provisions of Chapter 214 of the Revised Laws of Hawaii 1945, Relating to Habeas Corpus, and to Add Section 10356.01 Providing for Issuance of an Order to Show Cause.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 10352 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new paragraph to read as follows:

"4. Persons held in any territorial, county or private institution or hospital by order of court." [L. 1870, c. 32, s. 2; R. L. 1925, s. 2726; R. L. 1935, s. 4311; R. L. 1945, s. 10352; am. L. 1953, c. 101, s. 1.]

SECTION 2. Section 10355 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By inserting after the word "writ" in line 1 thereof, the words "or order to show cause".

(b) By adding a new paragraph to read as follows:

"4. That there has been no determination of the legality of such detention on a prior application for a petition for a writ of habeas corpus, or, if there has been a previous determination, the new grounds, if any, not presented and determined upon the previous application."

(c) By renumbering present paragraph 4 to read paragraph "5". [L. 1870, c. 32, s. 3; R. L. 1925, s. 2729; R. L. 1935, s. 4314; R. L. 1945, s. 10355; am. L. 1953, c. 101, s. 2.]

SECTION 3. Section 10356 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the first three lines thereof and inserting in lieu thereof the following:

"Sec. 10356. Form of writ. The court or judge to whom such complaint shall be made, whenever a writ of habeas corpus may be prosecuted as of right, shall, without delay, award and issue the writ unless it appears from the application that the person detained is not entitled thereto. The writ of habeas corpus may be in the following form: ". [L. 1870, c. 32, s. 4; R. L. 1925, s. 2730; R. L. 1935, s. 4315; R. L. 1945, s. 10356; am. L. 1953, c. 101, s. 3.]

SECTION 4. Chapter 214, Revised Laws of Hawaii 1945, is hereby amended by adding a new section 10356.01 to read as follows:

"Sec. 10356.01. Order to show cause in lieu of writ. The court or judge to whom such complaint shall be

made, whenever the writ of habeas corpus is not demandable as of right, may issue an order directing the person by whom the party is imprisoned or restrained, to appear and show cause for such imprisonment or restraint at such time as the court shall direct, but not later than five days from the date of the order to show cause." [L. 1953, c. 101, s. 4.]

SECTION 5. **Section 10357** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "writ" in line 1 thereof, the words "or order to show cause". [L. 1870, c. 32, s. 5; R. L. 1925, s. 2731; R. L. 1935, s. 4316; R. L. 1945, s. 10357; am. L. 1953, c. 101, s. 5.]

SECTION 6. **Section 10359** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "writ" in line 1 thereof, the words "or order to show cause". [L. 1870, c. 32, s. 6; R. L. 1925, s. 2733; R. L. 1935, s. 4318; R. L. 1945, s. 10359; am. L. 1953, c. 101, s. 6.]

SECTION 7. **Section 10360** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "writ" in line 1 thereof, the words "or order to show cause". [L. 1870, c. 32, s. 7; am. L. 1903, c. 79, s. 1; R. L. 1925, s. 2734; R. L. 1935, s. 4319; R. L. 1945, s. 10360; am. L. 1953, c. 101, s. 7.]

SECTION 8. **Section 10361** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "writ" in lines 1 and 5 thereof, the words "or order to show cause". [L. 1870, c. 32, s. 8; am. L. 1903, c. 79, s. 2; R. L. 1925, s. 2735; R. L. 1935, s. 4320, R. L. 1945, s. 10361; am. L. 1953, c. 101, s. 8.]

SECTION 9. **Section 10362** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "writ" in line 4 thereof, the words "or order to show cause". [L. 1870, c. 32, s. 9; R. L. 1925, s. 2736; R. L. 1935, s. 4321; R. L. 1945, s. 10362; am. L. 1953, c. 101, s. 9.]

SECTION 10. **Section 10366** of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"**Sec. 10366. To be prompt.** Any person to whom a writ of habeas corpus shall be directed, upon payment or tender of reasonable charges or expenses for its execution, and any person to whom an order to show cause shall be directed, shall make return thereof with as much promptness as the nature of the case will permit." [L. 1870, c. 32, s. 12; R. L. 1925, s. 2740; R. L. 1935, s. 4325; R. L. 1945, s. 10366; am. L. 1953, c. 101, s. 10.]

SECTION 11. **Section 10371** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the words "Disobeying writ" in line 1 and after the words "habeas corpus" in line 3, the words "or order to show cause". [L. 1870, c. 32, s. 26; R. L. 1925, s. 2745; R. L. 1935, s. 4330; R. L. 1945, s. 10371; am. L. 1953, c. 101, s. 11.]

SECTION 12. **Section 10373** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "writ" in line 1 thereof the words "or order to show cause". [L. 1870, c. 32, s. 17; R. L. 1925, s. 2747; R. L. 1935, s. 4332; R. L. 1945, s. 10373; am. L. 1953, c. 101, s. 12.]

SECTION 13. This Act shall take effect upon its approval.  
(Approved May 19, 1953.) **S. B. 280, Act 101.**

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## Chapter 215. LABOR CONTRACTS, PROTECTION OF.

### Series D-211: ACT 47

An Act to Repeal Chapter 215, Revised Laws of Hawaii 1945, Relating to Protection of Labor Contracts.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 10393**]. SECTION 1. Chapter 215 of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945, as amended.

(Approved May 1, 1953.) **H. B. 7, Act 47.**

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## Chapter 216. LANDLORD AND TENANT.

§ **10402. Tenancy from month to month, etc.** Am. L. 1949, Act 39 [D-256].

§ **10404.01. Acceptance of rent during litigation.** NEW, L. 1945, Act 251 [D-174].

§ **10406. Joinder of causes of action.** Am. L. 1945, Act 216 [D-175].

§ **10414.01. Frivolous appeals.** NEW, L. 1945, Act 192 [D-176].

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## Chapter 217. LIMITATION OF ACTIONS.

§ **10429.01. Recoveries authorized by federal statute.** NEW, L. 1945, Act 174 [D-177].

§ **10429.02. All other personal actions.** NEW, L. 1945, Act 210 [D-178].

§ 10433.01. **Death no interruption.** NEW, L. 1945, Act 210 [D-178].

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Chapter 218. QUIETING TITLE AT LAW.

§ 10451. **Object of action.** Am. Sp. L. 1949, Act 46 [D-39].

§ 10452. **Defendants.** Am. Sp. L. 1949, Act 46 [D-39].

§ 10456. **Recording of judgment or decree.** NEW, Sp. L. 1949, Act 46 [D-39].

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Chapter 219. CLAIM AND DEMAND.

§ 10461. **Delivery of personal property, when it may be claimed.** Am. Sp. L. 1949, Act 6 [D-40].

§ 10462. **Affidavit and its requisites.** Am. Sp. L. 1949, Act 6 [D-40].

§ 10464. **Bond by plaintiff; seizure; service of certain papers.** Am. Sp. L. 1949, Act 6 [D-40].

§ 10466. **Objections to sureties.** Am. Sp. L. 1949, Act 6 [D-40].

§ 10468. **Manner of justifying.** Am. Sp. L. 1949, Act 6 [D-40].

§ 10471. **Bond for delivery to defendant; justification of sureties.** Am. Sp. L. 1949, Act 6 [D-40].

§§ 10473-74. **Claim and demand.** NEW, Sp. L. 1949, Act 6 [D-40].

§§ 10474.01-.10. **Special proceedings for recovery of personal property.** NEW, Sp. L. 1949, Act 7 [D-41].

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Chapter 220. TERRITORY, SUITS BY AND AGAINST.

§ 10482. **Interest.** Am. L. 1951, Act 224 [A-41].

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Chapter 221. TORT ACTION.

**Series D-212: ACT 206**

An Act to Provide for the Survival of Tort  
Actions for Physical Injury or Death.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 221 of the Revised Laws of Hawaii 1945 is hereby amended by adding new sections 10494, 10495 and 10496, to read as follows:

“Sec. 10494. **Actions which survive death of wrongdoer or other person liable.** All rights of action arising out of physical injury to the person and rights of action arising out of the death of a person by wrongful act in favor of his dependants or in favor of persons toward whom the deceased occupied the relationship of husband, wife, parent or minor child, shall survive notwithstanding the death of the wrongdoer or any other person who

may be liable for damages for such physical injury or death. [L. 1953, c. 206, pt. of s. 1.]

**Sec. 10495. Death of defendant, no abatement of action.** In any case where the wrongdoer or other person who may be liable for damages for physical injury or death to the persons enumerated in section 10494 shall die after action shall have been instituted against him therefor, the action shall not abate, but may be continued against the executor or administrator of his estate in accordance with the provisions of chapter 204 of the Revised Laws of Hawaii 1945. [L. 1953, c. 206, pt. of s. 1.]

**Sec. 10496. Death of wrongdoer or other person liable prior to suit, time for bringing action against estate.** In any case where the wrongdoer or other person who may be liable for damages for physical injury or death to the persons enumerated in section 10494 shall die before an action has been brought against him, such action may be brought against the executor or administrator of his estate; **provided**, however, that every such action shall be instituted within the time prescribed by law for filing of claims by creditors of the deceased in the probate proceedings and within two years of the act which caused the physical injury or death, whichever shall be earlier, or be forever barred." [L. 1953, c. 206, pt. of s. 1.]

SECTION 2. This Act shall not apply to causes of action which arose prior to the passage of this Act.

SECTION 3. This Act shall take effect upon its approval. (Approved June 8, 1953.) **H. B. 165, Act 206.**

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Title 28: CRIMINAL LAW.

Chapter 229. STATUTE OF LIMITATIONS.

§ 10691. **Two years; exceptions.** Am. L. 1947, Act 189 [D-163].

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Title 29: CRIMINAL PROCEDURE.

Chapter 230. ARRESTS, SEARCH WARRANTS.

### Series D-213: ACT 42

An Act Relating to Arrests; Amending Section 10706 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 10706** of chapter 230 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting the words "accompany him" appearing in line six thereof and substituting in lieu thereof the words "to be taken".

(b) By deleting the word "jail" appearing in line seven thereof and substituting in lieu thereof the words "police station". [P. C. 1869, c. 49, s. 6; R. L. 1925, s. 3972; R. L. 1935, s. 5405; R. L. 1945, s. 10706; am. L. 1953, c. 42, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 29, 1953.) **H. B. 835, Act 42.**

**Sec. 10706**, as amended, reads as follows:

**Sec. 10706. Arrest, how made.** At or before the time of making an arrest, the person must declare that he is an officer of justice, if such be the case. If he have a warrant he should show it if required; or if he make the arrest without warrant in any of the cases in which it is authorized by law, he should give the party arrested clearly to understand for what cause he undertakes to make the arrest, and must require him to submit and to be taken to the police station or magistrate. This done, the arrest is complete. [P. C. 1869, c. 49, s. 6; R. L. 1925, s. 3972; R. L. 1935, s. 5405; R. L. 1945, s. 10706; am. L. 1953, c. 42, s. 1.]

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### Series D-214: ACT 185

An Act to Amend Section 10709 of the Revised Laws of Hawaii 1945, Relating to Examination of Persons After Arrest.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 10709** of the Revised Laws of Hawaii 1945 is hereby amended by amending subdivision (5) thereof to read as follows:

"(5) to fail within forty-eight hours of the arrest of a person on suspicion of having committed a crime either to release or to charge such arrested person with a crime and take him before a qualified magistrate for examination." [P. C. 1869, c. 49, s. 9; am. L. 1915, c. 25, s. 1; R. L. 1925, s. 3975, am. L. 1927, c. 261, s. 1; R. L. 1935, s. 5408; am. L. 1941, c. 168, s. 1; R. L. 1945, s. 10709; am. L. 1953, c. 185, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 5, 1953.) **H. B. 371, Act 185.**

## Chapter 231. BAIL, BOND TO KEEP THE PEACE.

§ 10732. **Unclaimed bail money.** Am. L. 1949, Act 323 [D-257].

**Series D-215: ACT 128**

An Act to Amend Section 10751 of the Revised Laws of Hawaii 1945, Relating to Bonds Pending Trial and Upon Appeal.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 10751 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 10751. Bond pending trial and upon appeal.** When anyone so arrested is brought before the magistrate, and a continuance of the trial upon the charge is granted, the magistrate shall direct the accused to give a combined appearance and temporary peace bond in a sum proportioned to the nature of the offense, with sufficient surety that he will commit no offense against the person or property of the complainant during the period of time the trial is continued, and the peace bond shall remain in effect upon appeal by the accused after a finding of guilt at the trial or during any appeal after a finding of guilt." [L. 1919, c. 7, s. 1; R. L. 1925, s. 3997; R. L. 1935, s. 5451; R. L. 1945, s. 10751; am. L. 1953, c. 128, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 25, 1953.) **H. B. 423, Act 128.**

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## Chapter 232. CRIMINAL PROCEDURE: DISTRICT COURTS.

§ 10770.01. **Copy of complaint.** NEW, L. 1949, Act 43 [D-258]

§ 10773.01. **Arraignment.** NEW, L. 1949, Act 43 [D-258]

§ 10782. **Unclaimed articles used as evidence, disposition of.** Am. L. 1949, Act 182 [D-259]

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## Chapter 233. CRIMINAL PROCEDURE: CIRCUIT COURTS.

**Series D-216: ACT 166**

An Act Relating to Examination As to Sanity of Person Indicted for Felony and Amending Section 10826 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 10826 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the first sentence and substituting in lieu thereof the following:

“Sec. 10826. Examination as to sanity of person indicted for felony. Whenever a person has been indicted for a felony by a grand jury, the judge of the court in which such person is to be tried for such offense may, in his discretion, before any trial on the criminal charge, cause such person to be examined by the psychiatrist or any designated psychiatrist of the territorial hospital or the director of the bureau of mental hygiene and by two additional unbiased physicians who in the opinion of the judge are qualified as examiners in insanity, with a view to determine the mental condition of such person and the existence of any mental disease or defect which would affect his criminal responsibility.” [L. 1925, c. 114, s. 15; am. L. 1933, c. 107, s. 1; R. L. 1935, s. 1246; am. L. 1939, c. 203, pt. of s. 4; am. L. 1941, c. 325, s. 6; R. L. 1945, s. 10826; am. L. 1953, c. 166, s. 1.]

SECTION 2. This Act shall take effect from and after the date of its approval.

(Approved June 1, 1953.) S. B. 451, Act 166.

§ 10842. Indeterminate sentences; maximum. Am. L. 1947, Act 199 [D-164], rewritten pp. 380-1.

§ 10847.01. Fines, felony cases. NEW, L. 1945, Act 67 [D-179].

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## Chapter 234. FINES AND COSTS.

§§ 10876-77. Rep. L. 1945, Act 111 [D-180].

§ 10878. Circuit court fines, costs, etc., disposition. Am. L. 1945, Act 111 [D-180].

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## Chapter 235. INQUESTS, CORONERS.

§ 10903. Duties, Am. L. 1949, Act 355 [D-260].

§ 10903.01. Fees. NEW, L. 1947, Act 164 [D-165].

§ 10911. Removal of corpse. Am. L. 1949, Act 355 [D-260].

§ 10912. Disposition of personal effects. Am. L. 1949, Act 355 [D-260].

§ 10913. Autopsies and further investigations. Am. L. 1949, Act 355 [D-260].

§ 10915. Disposal of decomposed remains. NEW, L. 1949, Act 355 [D-260].

§ 10916. Hospital records. NEW, L. 1949, Act 355 [D-260].



## Series D-217: ACT 40

An Act to Amend Chapter 235 of the Revised Laws of Hawaii 1945, as Amended by Act 355, Session Laws of Hawaii 1949, Relating to Inquests and Coroners.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 235 of the Revised Laws of Hawaii 1945, as amended by Act 355 of the Session Laws of Hawaii 1949, is hereby further amended by amending section 10916 thereof to read as follows:

**"Sec. 10916. Hospital records.** The chief of police of the city and county of Honolulu or his deputy, and any coroner or deputy coroner, and the coroner's physician shall have the authority to examine the records of any hospital relating to any patient of such hospital in connection with any investigation under the provisions of this chapter. The hospital may require written proof signed by the coroner of the fact of such investigation and of the authority of the person desiring to examine such records." [L. 1949, c. 355, pt. of s. 5; am. L. 1953, c. 40, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved April 28, 1953.) **H. B. 765, Act 40.**

§ 10917. **Coroner's physician.** NEW, L. 1949, Act 355 [D-260].

§ 10918. **Notification of provisions of this chapter.** NEW, L. 1949, Act 355 [D-260].

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Chapter 239. ASSAULTS, ASSAULT AND BATTERY  
AND AFFRAY.

§§ 11050-57. **Assaults, affrays, aggravated offenses, dangerous substances.** Am. L. 1949, Act 325 [D-261]. Ch. 239 rewritten.

§§ 11058-63. Rep. L. 1949, Act 325 [D-261].

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Chapter 240. BRIBERY, INTIMIDATION.

§§ 11075.01-.04. **Bribes forfeit.** NEW, L. 1947, Act 188 [D-166].

§ 11076. **Bribery of participants in professional or amateur games, sports and contests.** NEW, L. 1947, Act 186 [D-167].

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Chapter 242. COMMON NUISANCE.

§ 11110. **Places of prostitution, assignation or lewdness; nuisances; penalty.** Am. L. 1949, Act 31 [D-262].

§§ 11110.01-.11. **Abatement of nuisances re prostitution.** NEW, L. 1949, Act 40 [D-263].

## Chapter 243. CONSPIRACY.

§ 11120. **Conspiracy defined.** Am. Sp. L. 1949, Act 10 [D-42].

§ 11127. Rep. Sp. L. 1949, Act 10 [D-42].

§ 11127.01. **Witnesses' privileges.** NEW, Sp. L. 1949, Act 10 [D-42].

§ 11128. **First degree.** Am. Sp. L. 1949, Act 10 [D-42].

§ 11129. **Second degree.** Am. Sp. L. 1949, Act 10 [D-42].

§ 11130. Rep. Sp. L. 1949, Act 10 [D-42].

## Chapter 253A. DRUGS, HABIT-FORMING.

§ 11225. **Drugs, habit-forming, to minors; penalty.** NEW, L. 1951, Act 145 [D-230]. Rep. L. 1953, Act 19 [A-62], supra.

§ 11226. **Definition.** NEW, L. 1951, Act 145 [D-230]. Rep. L. 1953, Act 19 [A-62], supra.

## Chapter 255. EMBEZZLEMENT.

§ 11240.01. **By partner or co-owner.** NEW, L. 1945, Act 63 [D-181].

## Series D-218: ACT 66

An Act Relating to Embezzlement and  
Amending Section 11244 of the Revised Laws of  
Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 11244 of the Revised Laws of Hawaii 1945 is amended to read as follows:

**"Sec. 11244. Embezzlement, more than one act; penalty.** It shall be lawful to charge as one continuing offense in the indictment and proceed against the offender for any number of distinct acts of embezzlement which may have been committed by him against the same person within the period of twelve months. Whoever is guilty of embezzlement under this section for the aggregate amount of one hundred dollars or more shall be punished by imprisonment at hard labor for not more than ten years, or by fine not exceeding five times the value of the property or thing embezzled." [L. 1876, c. 40, s. 25; R. L. 1925, s. 4057; R. L. 1935, s. 5844; R. L. 1945, s. 11244; am. L. 1953, c. 66, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953; **provided**, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and any such offense may be prosecuted and punished the same as if this Act had not been enacted.

(Approved May 9, 1953.) **H. B. 611, Act 66.**

## Chapter 256. ESCAPE, ETC.

§ 11262. **Interference with fish and game wardens.** NEW, L. 1947, Act 30 [D-168].

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## Chapter 258. FALSE PERSONATION.

§ 11286. **False report of crime.** NEW, L. 1945, Act 49 [D-182].

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## Chapter 260. FRAUDULENT COMMERCIAL PAPER.

§ 11322. **Insufficient funds or credit; prima facie evidence of intent to defraud.** Am. L. 1951, Act 303 [D-231].

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## Chapter 263. GROSS CHEAT.

§ 11377.01. **Scalpers' sales of amusement tickets; penalty.** NEW, L. 1945, Act 39 [D-183].

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## Series D-219: ACT 9

An Act to Amend Chapter 263 of the Revised Laws of Hawaii 1945, as amended, relating to Gross Cheat, by adding a new subtitle thereto, and consisting of new sections to be Numbered 11378 to 11378.03, inclusive, with respect to confidence games, bunco steerers and confidence man; defining the crime and terms and providing penalty therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 263 of the Revised Laws of Hawaii 1945, as amended, is further amended by adding thereto a new subtitle to be titled "Confidence games, bunco steerers, confidence man", and to consist of four new sections to be numbered 11378 to 11378.03 and to read as follows:

"Confidence games, bunco steerers, confidence man.

**Sec. 11378. Confidence games; penalty.** Every person who shall obtain, or attempt to obtain, from any other person or persons any money, property, credit or other valuable thing, by means or by use of any false or bogus check, or by word, or by promise, or by any other means, instrument or device, commonly called the confidence game, shall be punished by imprisonment of not more than ten years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

**Sec. 11378.01. Bunco steerer defined.** Any person or persons who shall by means of any scheme, trick, device, practice or deception, entice or induce, or attempt to en-

tice or induce, any person or persons to or into any place for the purpose and with intent to procure or obtain, or to attempt to procure or obtain, from such person any money, property, credit or other valuable thing by means of any game or games, lottery, or illegal gift enterprise of any kind, or by means of fraudulent pretense, practice, scheme, trick, device, or deception, shall be deemed a bunco steerer and on conviction thereof shall be punished as hereinafter provided.

**Sec. 11378.02. Confidence man defined.** Any person who shall confederate, conspire, or combine with any bunco steerer or other person or persons for the purpose and with intent to procure or obtain, or to attempt to procure or obtain, from any other person or persons any money, property, credit or other valuable thing, by means of any game or games, fraudulent pretense or pretenses, practice or practices, scheme, trick, device, or deception, shall be deemed a confidence man and punished as hereinafter provided.

**Sec. 11378.03. Penalty if convicted of being a bunco steerer or confidence man, etc.** Every person who shall be convicted of being a bunco steerer or confidence man, as defined by sections 11378.01 and 11378.02, shall be punished by imprisonment of not more than five years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment." [L. 1953, c. 9, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved April 15, 1953.) **S. B. 372, Act 9.**

## Chapter 264. HIDES AND BEEF.

### Series D-220: ACT 244

An Act Imposing Duties Upon Certain Persons in Connection with the Slaughtering of Animals; Amending Chapter 264 of the Revised Laws of Hawaii 1945 by Amending Section 11380 Thereof and by Adding a New Section Thereto.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 11380 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 11380. Retention of the hide of butchered calf, heifer, cow, steer and bull; subject to public inspection.** Every person slaughtering a calf, heifer, cow, steer and bull butchered for purposes of human consumption shall,

for a period of two weeks after the killing of a calf, heifer, cow, steer and bull, retain the hide of the same and allow any interested person, in the usual business hours during that period, to inspect the same; **provided**, however, that disposition may be made of a hide within the period aforesaid upon receipt from the officer in charge of recording brands of written permission so to do." [L. 1923, c. 7, s. 1; R. L. 1925, s. 4188; am. imp. L. 1932, 1st, s. 1; R. L. 1935, s. 5980; R. L. 1945, s. 11380; am. L. 1953, c. 244, s. 1.]

SECTION 2. Chapter 264 of the Revised Laws of Hawaii 1945 is hereby further amended by adding a new section thereto to be known as section 11380.01 and to read as follows:

**"Sec. 11380.01. [Report as to slaughtering of animals.]** Every person who slaughters a calf, heifer, cow, steer, or bull, whether wild or domesticated, at any place other than a duly licensed slaughter house shall comply with the provisions of section 11380 and, in addition thereto, shall forthwith report such slaughtering to the officer in charge of recording brands. Such report shall include a description of the animal slaughtered, including its sex and brand; date and place of slaughter; and the name of person from whom, and date when, such animal was acquired by him." [L. 1953, c. 244, s. 1.]

SECTION 3. This Act shall take effect upon its approval. (Approved June 12, 1953.) **H. B. 1154, Act 244.**

## Chapter 267. LARCENY.

### Series D-221: ACT 6

An Act to Amend Section 11438 of the Revised Laws of Hawaii 1945, Relating to Larceny and Defining the Degrees Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 11438** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "fifty dollars" in line 2 thereof and inserting in lieu thereof the words "one hundred dollars". [P. C. 1869, c. 16, s. 15; R. L. 1925, s. 4185; R. L. 1935, s. 6038; am. L. 1943, c. 95, s. 1; R. L. 1945, s. 11438; am. L. 1953, c. 6, s. 1.]

SECTION 2. This Act shall take effect upon its approval; **provided**, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such

offense may be prosecuted and punished the same as if this Act had not been enacted.

(Approved April 11, 1953.) **S. B. 381, Act 6.**

§ 11440. **False pretenses; punishable as larceny.** NEW, L. 1949, Act 78 [D-264].

§ 11441. **Larceny from the person; penalty.** NEW, L. 1951, Act 316 [D-232].

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Chapter 268. **LIBEL AND SLANDER.**

§ 11459.01. **No defamation by radio, etc., when.** NEW, L. 1949, Act 278 [D-265].

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Chapter 269. **MALICIOUS CONVERSION.**

§ 11470. **Defined; penalty.** Am. L. 1949, Act 217 [D-266].

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Chapter 270A. **OBSTRUCTION OF INGRESS OR EGRESS.**

§§ 11495-96. **Obstruction of ingress or egress.** NEW, Sp. L. 1949, Act 9 [D-43].

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Chapter 273. **PICKETING AND PROTECTION OF LABOR.**

§§ 11520-22. Rep. L. 1945, Act 12 [D-184].

§§ 11523-25. Rep. L. 1947, Act 143 [D-169].

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Chapter 273A. **PICKETING OF RESIDENCE OR DWELLING.**

§§ 11526-28. **Picketing of dwelling or residence.** NEW, L. 1949, Act 8 [D-44].

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Chapter 276A. **RESTRAINT BY FORCE OR THREATS.**

§§ 11560.01-.02. **Illegal restraint by violence.** NEW, L. 1949, Act 73 [D-267].

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Chapter 277. **RIOTS AND DISPERSION THEREOF.**

§ 11570. Rep. L. 1949, Act 62 [D-268].

§ 11571. **Riot defined.** Am. L. 1949, Act 62 [D-268].

§§ 11572-78. Rep. L. 1949, Act 62 [D-268].

§ 11579. **Penalty for riot.** Am. L. 1949, Act 62 [D-268].

§ 11580. Rep. L. 1949, Act 62 [D-268].

§ 11581. **Remaining present at place of riot after order to disperse.** Am. L. 1949, Act 62 [D-268].

§§ 11582-84. Rep. L. 1949, Act 62 [D-268].

Chapter 279. SABBATH VIOLATIONS.

§§ 11610-15. Rep. L. 1949, Act 95 [D-269].

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Chapter 280. SABOTAGE.

§ 11633. Rep. L. 1949, Act 215 [D-270].

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Chapter 281. SECRET ASSOCIATIONS.

§§ 11641-47. Rep. L. 1949, Act 310 [D-271].

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Chapter 282. SEX OFFENSES.

§ 11673. Lascivious conduct, etc.; penalty. Am. L. 1949, Act 26 [D-272].

§ 11673.01. Prostitution, etc.; definitions; penalty. NEW, L. 1949, Act 26 [D-272].

§ 11674. Soliciting; penalty. Am. L. 1949, Act 26 [D-272]; Am. L. 1951, Act 188 [D-233].

§ 11676. Procurers, pimps, defined; penalty. Am. L. 1949, Act 26 [D-272].

§ 11677.01. Accessories. NEW, L. 1949, Act 26 [D-272].

§ 11683.01. Validity. NEW, L. 1949, Act 26 [D-272].

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Chapter 283. TRAFFIC VIOLATIONS.

§ 11689. Rep. L. 1949, Act 11 [D-273].

Series D-222: ACT 260

An Act to Amend Section 11707 of the Revised Laws of Hawaii 1945 Relating to Vehicle Lights.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 11707 of the Revised Laws of Hawaii 1945 is hereby amended by amending subdivision (b) thereof to read as follows:

“(b) Motorcycles, motor scooters or motorized bicycles. During the time hereinbefore specified, every motorcycle, motor scooter or motorized bicycle while moving on a public highway shall carry, at the front thereof, at least one lighted headlight which shall give a light of such power and so distributed as provided in subdivision (a); **provided**, however, that any motorcycle, motor scooter or motorized bicycle with a side car or similar contrivance attached shall, in addition to the foregoing required light, carry on such side car or similar contrivance a lighted lamp visible from a point at least two hundred feet ahead of such vehicle.” [L. 1892, c. 11,

ss. 1, 2; am. L. 1903, c. 8, s. 2; R. L. 1925, s. 4399; am. L. 1929, c. 143, s. 1; am. L. 1932, 1st, c. 1; R. L. 1935, s. 6289; am. L. 1939, c. 14, s. 1 and c. 104, s. 7; am. L. 1943, c. 62, s. 21 and c. 64, s. 22; R. L. 1945, s. 11707; am. L. 1953, c. 260, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **S. B. 521, Act 260.**

Chapter 285. **TRAFFIC VIOLATIONS.**

§ 11714. **Gross weight, axle and wheel loads.** Am. L. 1949, Act 94 [D-274].

§ 11715. **Exceptions.** Am. L. 1949, Act 94 [D-274].

§§ 11721-24. **Driving while drunk or drugged.** NEW, L. 1949, Act 283 [D-275].

§ 11730. **Motorcycles, noisy mufflers; penalty.** NEW, L. 1949, Act 21 [D-276].

Chapter 286. **TRESPASS: TRAIN WRECKING.**

§ 11751. **Trespass, penalty.** Am. L. 1945, Act 76 [D-185].

Chapter 287. **VAGRANTS: BEGGARS: LOITERERS: SORCERY.**

§ 11771. **Vagrants; beggars; pickpockets, etc., penalty.** Am. L. 1945, Act 48 [D-186]; am. L. 1949, Act 139 [D-277]; Act 100 [D-278]; Act 99 [D-279], rewritten pp. 604-5.

§§ 11771.01-.02. **Disorderly conduct.** NEW, L. 1949, Act 139 [D-277].

§ 11772. **Begging or soliciting alms; penalty.** Am. L. 1949, Act 100 [D-278].

§ 11775. **Fortune tellers; penalty.** NEW, L. 1949, Act 99 [D-279].

Title 31: **DECEDENTS' ESTATES.**

Chapter 290. **PROBATE: JURISDICTION AND PROCEDURE.**

§ 12014.01. **Determination of bar to dower or curtesy.** NEW, L. 1945, Act 212 [D-192].

§ 12015. **Continuance of partnership.** Am. L. 1945, Act 215 [D-187].

§ 12022. **Creditors' claims; advertisement; barred when.** Am. L. 1945, Act 273 [D-201]; Am. L. 1947, Act 98 [D-170], rewritten pp. 387-8.

§§ 12026-8. **Sale of real estate.** Am. L. 1945, Act 122 [D-188].

**Series D-223: ACT 97**

An Act to Amend Section 12030 of Chapter 290 of the Revised Laws of Hawaii 1945, Relating to the Time of Hearing and Notice of Petitions for



Approval of Final Accounts, Distribution of Estates  
and Discharge of Executors and Administrators.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 12030 of chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by inserting the words "or clerk" immediately following the word "judge" appearing in lines four and seven thereof. [L. 1929, c. 40, s. 1; am. L. 1931, c. 83, s. 1; R. L. 1935, s. 4793; R. L. 1945, s. 12030; am. L. 1953, c. 97, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) H. B. 973, Act 97.

§ 12031-A. **Payments into court.** NEW, L. 1947, Act 99 [D-171]; Am. L. 1949, Act 395 [D-280].

§ 12037. **Clerk of circuit court to administer.** Am. L. 1945, Act 206 [D-189]; Am. L. 1949, Act 395 [D-280].

§ 12037.01. **Estates of non-resident members of the military or naval service of the United States.** NEW, L. 1945, Act 258 [D-190].

§ 12041. **Duties of clerk and distribution.** Am. L. 1949, Act 395 [D-280], rewritten pp. 610-11.

§ 12042. **Undistributed proceeds or balances, disposition.** Am. L. 1949, Act 395 [D-280], rewritten p. 611.

§ 12043. **Exemption from costs.** Am. L. 1949, Act 395 [D-280].

§ 12044. **Estates of persons leaving no known relatives.** Am. L. 1949, Act 395 [D-280].

§ 12045. **Estates less than two hundred dollars.** Am. L. 1949, Act 395 [D-280].

§ 12046. **Annual audit of accounts of clerk.** Am. L. 1947, Act 160 [D-172].

§ 12047.01. **Estates of temporary residents.** NEW, L. 1945, Act 199 [D-191].

§ 12047.02. **Prohibition on the private practice of law by attorneys for small estates.** Am. L. 1953, Act 105 [A-41], supra.

Chapter 291. DESCENT OF PROPERTY.

§ 12073. **Widow; father and mother; brothers and sisters.** Am. L. 1951, Act 306 [D-234], rewritten p. 578.

Chapter 292. DOWER AND CURTESY.

§ 12100. **Dower.** Am. L. 1945, Act 273 [D-201], rewritten p. 297.

§ 12108. **Bar of dower.** Am. L. 1945, Act 212 [D-192].

§ 12115. **Curtesy; election between curtesy and will.** Am. L. 1945, Act 212 [D-192]; Act 273 [D-201], rewritten pp. 298-9.

Chapter 295. WILLS.

§ 12179. **Revocation by marriage and birth or by adoption of child.** Am. L. 1951, Act 270 [D-235].

Title 32: DOMESTIC RELATIONS.

Chapter 296. ANNULMENT, DIVORCE AND SEPARATION.

§ 12210. **Grounds for divorce.** Am. L. 1949, Act 174 [D-281]; Am. L. 1951, Act 287 [D-236].

**Series D-224: ACT 221**

An Act Relating to Time of Hearing Libel for Divorce; Amending Section 12212 of the Revised Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 12212** of the Revised Laws of Hawaii 1945, is hereby amended by amending the third paragraph thereof to read as follows:

"The judge shall not entertain jurisdiction of the libel until at least thirty days after such personal service shall have been completed, except as provided in the following section; **provided**, however, that where an answer has been filed putting the libel in issue or where the libellee has filed an answer confessing and admitting the truth of the allegations set forth in the libel, the judge may hear and determine the case at any time." [L. 1870, c. 16, s. 3; am. L. 1878, c. 26, s. 2; am. L. 1903, c. 22, s. 5; am. L. 1905, c. 19, s. 1; am. L. 1907, c. 72, s. 1; am. L. 1907, c. 109, s. 1; am. L. 1909, c. 25, s. 2; am. L. 1919, c. 168, s. 1; R. L. 1925, s. 2967; R. L. 1935, s. 4462; R. L. 1945, s. 12212; am. L. 1953, c. 221, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 10, 1953.) **S. B. 269, Act 221.**

**Series D-225: ACT 199**

An Act Amending Section 12213 of the Revised Laws of Hawaii 1945, Relating to Annulment, Divorce, and Separation.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 12213 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"**Sec. 12213. Personal service; enforcement of alimony.** No person shall be entitled to an annulment, a divorce or a separation unless the libellee or defendant, except as hereinafter otherwise provided, shall have been served personally with process if within the Territory, or shall

have entered an appearance in the case; **provided**, however, that in any proceeding under this chapter for an annulment, a divorce or a separation, if it shall appear in the libel or by return of the summons or by affidavit or otherwise to the satisfaction of the judge that the libellee or defendant is living at the time on any island of the Territory on which there is no resident officer legally authorized to serve such process, or is without the Territory, the judge may authorize notice of the pendency of the libel and of the time and place of hearing to be given to the libellee or defendant personally by such person and in such manner as he shall designate, or in lieu thereof, the judge may authorize service by registered mail with request for a return receipt, which service, evidenced by such receipt signed by the libellee or defendant and returned to the clerk of the court, shall be regarded as equivalent to personal service; or, if it shall further appear to his satisfaction by affidavit or otherwise, that libellant does not know the address or residence of the libellee or defendant, and has not been able to ascertain either after reasonable and due inquiry and search for fifteen days either before or after the filing of the libel, the judge may authorize notice to be given to the libellee or defendant by publication thereof at least once in each of three successive weeks in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings, published in the Territory, and may hear and determine the case at or after the time specified in the notice, which shall not be less than thirty days after the giving of personal notice, or the last publication of the published notice, as the case may be. All property within the Territory of the libellee or defendant may by order of the court, be subjected to the enforcement of any judgment or order of the court obtaining jurisdiction by the method of service herein provided with respect to any allowance provided for in section 12204." [L. 1870, c. 16, s. 4; am. L. 1903, c. 22, s. 6; am. L. 1907, c. 109, s. 2; am. L. 1919, c. 43, s. 2; R. L. 1925, s. 2968; am. L. 1925, c. 121, s. 1; R. L. 1935, s. 4463; am. L. 1941, c. 217, s. 1; R. L. 1945, s. 12213; am. L. 1953, c. 199, s. 1.]

SECTION 2. It is hereby declared that the foregoing amendment is made for the purpose of clarifying any ambiguity which may have existed in connection with the interpretation of said section 12213 of the Revised Laws of Hawaii 1945, and that any service by registered mail, heretofore made in any case previously concluded or now pending, shall be ratified and its validity shall not be challenged.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 5, 1953.) S. B. 270, Act 199.

§ 12217. **Guardian ad litem for insane libellee.** Am. L. 1951, Act 287 [D-236].

§ 12218. **Insanity as ground for divorce; definition.** Am. L. 1951, Act 287 [D-236].

§ 12222. **Costs where insanity ground for divorce.** Am. L. 1951, Act 287 [D-236].

§ 12223. **Support of Hansen's disease sufferer or insane spouse after divorce.** Am. L. 1951, Act 287 [D-236].

§ 12224.01. **Restraining order.** NEW, L. 1947, Act 122 [D-173].

§ 12233. **Property of wife on divorce from husband.** Am. L. 1945, Act 273 [D-201].

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## Chapter 297. DESERTION AND NON-SUPPORT.

§ 12251. **Deserting wife or children; neglect or refusal to provide for support or maintenance of child or children; penalty.** Am. L. 1951, Act 257 [D-237], rewritten p. 581.

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## Chapter 297A. ENFORCEMENT OF SUPPORT, UNIFORM RECIPROCAL LAW.

§§ 12256.01-.18. **Uniform reciprocal enforcement of support.** NEW, L. 1951, Act 216 [D-238].

### Series D-226: ACT 192

An Act to Provide for Uniform Reciprocal  
Enforcement of Support, Amending Act 216 of the  
Session Laws of Hawaii 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 216 of the Session Laws of Hawaii 1951 is hereby amended to read as follows:

### "PART I — GENERAL PROVISIONS

[Sec. 12256.01]. Section 1. **Purposes.** The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. [L. 1951, c. 216, s. 1; am. L. 1953, c. 192, s. 1.]

[Sec. 12256.02]. Section 2. **Definitions.** As used in this Act unless the context requires otherwise,

(1) 'State' includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) 'Initiating state' means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) 'Responding state' means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) 'Court' means any circuit court of this Territory and when the context requires, means the court of any state as defined in a substantially similar reciprocal law.

(5) 'Law' includes both common and statute law.

(6) 'Duty of support' includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) 'Obligor' means any person owing a duty of support.

(8) 'Obligee' means any person to whom a duty of support is owed. [L. 1951, c. 216, s. 2; am. L. 1953, c. 192, s. 2.]

[**Sec. 12256.03**]. Section 3. **Remedies additional to those now existing.** The remedies herein provided are in addition to and not in substitution for any other remedies. [L. 1951, c. 216, s. 3; am. L. 1953, c. 192, s. 3.]

[**Sec. 12256.04**]. Section 4. **Extent of duties of support.** Duties of support arising under the law of this Territory, when applicable under section 7, bind the obligor, present in this Territory, regardless of the presence or residence of the obligee. [L. 1951, s. 216, s. 4; am. L. 1953, c. 192, s. 4.]

## PART II — CRIMINAL ENFORCEMENT

[**Sec. 12256.05**]. Section 5. **Interstate rendition.** The Governor of this Territory (1) may demand from the governor of any state the surrender of any person found in such state who is charged in this Territory with the crime of failing to provide for the support of any person in this Territory and (2) may surrender on demand by the governor of any state any person found in this Territory who is charged in such state with the crime of failing to provide for the support of a person in such state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from

justice, or at the time of the commission of the crime was in the demanding or other state. [L. 1951, c. 216, s. 5, am. L. 1953, c. 192, s. 5.]

[**Sec. 12256.06**]. **Section 6. Relief from the above provisions.** Any obligor contemplated by section 5, who submits to the jurisdiction of the court of such state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this Territory during the period of such compliance. [L. 1951, c. 216, s. 6; am. L. 1953, c. 192, s. 6.]

### PART III — CIVIL ENFORCEMENT

[**Sec. 12256.07**]. **Section 7. Choice of Law.** Duties of support applicable under this law are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown. [L. 1951, c. 216, s. 7; am. L. 1953, c. 192, s. 7.]

[**Sec. 12256.08**]. **Section 8. Remedies of a State or Political Subdivision thereof furnishing support.** Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support. [L. 1951, c. 216, s. 8; am. L. 1953, c. 192, s. 8.]

[**Sec. 12256.09**]. **Section 9. How duties of support are enforced.** All duties of support are enforceable by action commenced by complaint irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit judge or judges severally of the circuit in which the plaintiff shall have resided for sixty days next preceding his or her complaint. [L. 1951, c. 216, s. 9; am. L. 1953, c. 192, s. 9.]

[**Sec. 12256.10**]. **Section 10. Contents of complaint for support.** The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the addresses and circumstances of the defendant, his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to

the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or Social Security number. [L. 1953, c. 192, s. 10.]

[Sec. 12257.01]. Section 11. **Officials to represent plaintiff.** Where in any case initiated in a court of this Territory the plaintiff is unable to hire private counsel, the county attorney upon request of the department of public welfare shall represent the plaintiff; the county attorney of each county shall represent the plaintiff in any case in which the Territory shall be the responding state, **provided**, however, that in the latter case the plaintiff may employ private counsel and in such event the county attorney shall not be obligated to act save as requested by the court. [L. 1953, c. 192, s. 11.]

[Sec. 12257.02]. Section 12. **Petition for a Minor.** A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem. [L. 1953, c. 192, s. 12.]

[Sec. 12257.03]. Section 13. **Duty of court of this Territory as initiating state.** If the court of this Territory acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the petition (2) its certificate and (3) this Act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state. [L. 1953, c. 192, s. 13.]

[Sec. 12257.04]. Section 14. **Costs and Fees.** A court of this Territory acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this Territory, including without limitation by enumeration, fees for filing, serv-

ice of process, seizure of property, and stenographic service of both plaintiff and defendant or either, shall be advanced by the county and taxed against the defendant and thereupon the county reimbursed therefor. Where the action is brought by or through the Territory or any county or an agency thereof, there shall be no filing fee. [L. 1953, c. 192, s. 14.]

[Sec. 12257.05]. Section 15. **Jurisdiction by arrest.** When the court of this Territory, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process. [L. 1953, c. 192, s. 15.]

[Sec. 12257.06]. Section 16. **State Information Agency.** The department of public welfare is hereby designated as the State Information Agency under this Act, and it shall be its duty:

(1) to compile a list of the courts and their addresses in this Territory having jurisdiction under this Act and transmit the same to the State Information Agency of every state which has adopted this or a substantially similar Act.

(2) to maintain a register of such lists received from the states and to transmit copies thereof as soon as possible after receipt to every court in this Territory having jurisdiction under this Act. [L. 1953, c. 192, s. 16.]

[Sec. 12257.07]. Section 17. **Duty of the Court of this Territory as responding state.** When the court of this Territory, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the county attorney if plaintiff is not represented by private counsel, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this Territory to obtain jurisdiction. [L. 1953, c. 192, s. 17.]

[Sec. 12257.08]. Section 18. **Further duty of responding Court.** If a court of this Territory, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint or otherwise, the court shall communicate this fact to the court in the initiating state,



shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state. [L. 1953, c. 192, s. 18.]

[**Sec. 12257.09**]. Section 19. **Procedure.** The court shall conduct proceedings under this Act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed. [L. 1953, c. 192, s. 19.]

[**Sec. 12257.10**]. Section 20. **Order of support.** If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order. [L. 1953, c. 192, s. 20.]

[**Sec. 12257.11**]. Section 21. **Responding state to transmit copies to initiating state.** The court of this Territory when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor. [L. 1953, c. 192, s. 21.]

[**Sec. 12257.12**]. Section 22. **Additional powers of Court.** In addition to the foregoing powers, the court of this Territory when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court. [L. 1953, c. 192, s. 22.]

[**Sec. 12257.13**]. Section 23. **Additional duties of the Court of this Territory when acting as a responding state.** The court of this Territory when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant. [L. 1953, c. 192, s. 23.]

[Sec. 12257.14]. Section 24. **Additional duty of the Court of this Territory when acting as an initiating state.** The court of this Territory when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state. [L. 1953, c. 192, s. 24.]

[Sec. 12257.15]. Section 25. **Evidence of husband and wife. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act.** Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage. [L. 1953, c. 192, s. 25.]

[Sec. 12257.16]. Section 26. **Application of payments.** Any order of support issued by a court of this Territory when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. [L. 1953, c. 192, s. 26.]

[Sec. 12257.17]. Section 27. **Effect of participation in proceeding.** Participation in any proceedings under this Act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding. [L. 1953, c. 192, s. 27.]

[Sec. 12257.18]. Section 28. **Severability.** If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable." [L. 1953, c. 192, s. 28.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved June 5, 1953.) **H. B. 1061, Act 192.**

## Chapter 298. CHILDREN.

§ 12261.01. **Minority of veterans.** NEW, L. 1947, Act 9 [D-174].

§ 12265. **Parents, et al. contributing to delinquency, penalty.** Am. L. 1945, Act 187 [D-193].

§ 12267. **Court having jurisdiction.** Am. L. 1945, Act 142 [D-154], rewritten p. 261.

§ 12271. **Written consent when and by whom.** Am. L. 1947, Act 47 [D-175]; am. L. 1949, Act 42 [D-283], Act 330 [D-284], rewritten pp. 614-15.

## Series D-227: ACT 115

An Act Amending Sections 12271, 12272, 12274, 12275, 12276, 12276.01, 1276.02 and 12278 of the Revised Laws of Hawaii 1945, Relating to Adoption.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 12271, 12272, 12274, 12275, 12276, 12276.01, 12276.02 and 12278 of the Revised Laws of Hawaii 1945, as amended, are hereby further amended to read as follows:

**"Sec. 12271. Written consent when and by whom; notice; custody pendente lite.** Any proper adult person, not married, or any person married to the legal father or mother of a minor child, or a husband and wife jointly, may petition a judge of the circuit court of the circuit in which he or they reside, or a judge of the circuit court of the circuit in which the child resides, for leave to adopt a minor child toward whom he or they do not sustain the legal relationship of parent and child and for a change of the name of the child. The petition shall be in such form and shall include such information and exhibits as may be prescribed by the judge exercising jurisdiction in adoption proceedings.

Written consent must be given to the adoption by the child, if of the age of twelve years or over; and in all cases of adoption written consent shall be given by each of the living legal parents who has not been legally adjudged to be mentally ill or mentally incompetent to an extent requiring institutional care, or otherwise incapacitated from giving consent, or who has not abandoned the child for a period of six months, or who has not voluntarily surrendered the care and custody of the child to another for a period of two years or over, or whose parental rights have not been judicially terminated pursuant to the provisions of chapter 300, as amended, which fact of such mental illness, or mental incompetence or other incapacity, abandonment or sur-

render, or judicial termination of parental rights shall be found by the judge at the time of hearing the petition and such finding noted in the decree. The minority of a child's legal parent shall not be a bar to the right of such parent to execute a valid and binding consent to the adoption of such child; **provided**, however, that the judge, if he deems it necessary and advisable, may appoint a guardian ad litem to represent and defend the interests of any such minor parent. If any non-consenting legal parent is unknown or has so abandoned or surrendered the child, or if the rights of any non-consenting legal parent have been terminated as aforesaid, the consent to adoption, in lieu of the consent of such parent, shall be signed by the legal guardian of the child or by any person authorized under the provisions of any judgment of termination of parental rights to sign such consent; or if there be no legal guardian, or no such authorized person, then the court, if it shall deem such action necessary, may appoint some suitable person to act in the proceedings as the next friend of the child; **provided**, however, that no hearing upon a petition for adoption, where the written consent of each of the living legal parents has not been obtained, shall be had until such nonconsenting parent shall have had due notice, actual or constructive, as hereinafter provided, of the time and place of hearing; **provided**, further, that no such notice need be given to any such parent whose parental rights have been terminated under the provisions of chapter 300, as amended. Any parental consent required as aforesaid shall be valid and binding even though it does not designate any specific adoptive parent or parents, if it shall clearly authorize the territorial department of public welfare, or a child placing organization approved by the department under the provisions of section 4830, as amended, or some proper person not forbidden by law to place a child for adoption, to select and approve an adoptive parent or adoptive parents for the child. A consent to adoption which has been filed or received in evidence in an adoption proceeding or which has been given to the department of public welfare or to a child placing organization approved by the department under the provisions of section 4830, as amended, or to any other proper person not forbidden by law to place a child for adoption, may not be withdrawn or repudiated after the child has been placed for adoption, without the express approval of the judge based upon a written finding that such

action will be for the best interests of the child. At any stage of the proceeding subsequent to the filing of the petition and prior to the entry of a decree, the judge, upon a showing that the best interests of the child will be served thereby, may order that the petitioner or petitioners shall be entitled to retain the custody and control of the child and shall be responsible for the care, maintenance and support of the child, pending the further order of the court. [L. 1915, c. 47, s. 1; am. L. 1919, c. 3, s. 1; am. L. 1921, c. 129, s. 1; R. L. 1925, s. 3034; R. L. 1935, s. 4520; R. L. 1945, s. 12271; am. L. 1947, c. 47, s. 1; am. L. 1949, c. 42, s. 1 and c. 330, s. 1; am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12272. Notice to resident nonconsenting legal parent whose rights have not been terminated.** If a legal parent to whom notice must be given as aforesaid is within the Territory, a summons issuing under the seal of the court and containing a notification as to the time and place of hearing, shall be served by the high sheriff or his deputy, or a sheriff or deputy sheriff, or any police officer, upon such parent by the delivery to the parent of a certified copy thereof, and of the petition for adoption; or in case such parent cannot be found, by leaving copies of the summons and petition with some agent or person transacting the business of such parent, or by leaving such copies at such parent's last known place of residence. When service is made pursuant to the provisions of this section, the time appointed for the hearing of the petition shall be not less than ten days subsequent to the date of service as herein provided. [L. 1919, c. 3, pt. of s. 1; R. L. 1925, s. 3035; R. L. 1935, s. 4522; R. L. 1945, s. 12272, am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12274. Notice to nonresident or unlocated nonconsenting legal parent whose rights have not been terminated.** If a legal parent to whom notice must be given as aforesaid was never an inhabitant of the Territory, or has removed therefrom, or if, after due diligence, such parent cannot be found within the Territory, and the fact shall appear by affidavit to the satisfaction of the judge, it may be ordered by the judge that the service be made under the provisions of section 12275. [L. 1919, c. 3, pt. of s. 1; R. L. 1925, s. 3037; R. L. 1935, s. 4523; R. L. 1945, s. 12274; am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12275. Substituted or constructive service.** Upon the filing of the affidavit referred to in section 12274, the

judge may order service of the notice prescribed in sections 12271 and 12272 to be made as follows:

(a) **Personal service or service by registered mail without the Territory.** If the residence of a nonresident legal parent is known or shall be ascertained at any stage of the proceeding prior to the filing of a return of service pursuant to the provisions of section 12273, the judge may order that service of notice of the time and place of hearing of the petition and of a copy thereof and of a copy of the judge's order be made upon such parent (1) by personal service thereof, without the Territory, by such person and in such manner as the judge may direct, or (2) by sending certified copies of the petition and of the notice of the time and place of the hearing thereof and of the judge's order, by registered mail, addressed to such parent, with request for return receipt, which service, evidenced by such receipt signed by such parent and returned to the clerk of the court, shall be regarded as equivalent to service by publication or in lieu thereof. When service is made pursuant to the provisions of this subsection, the time appointed for the hearing of the petition shall be not less than twenty-one days subsequent to the date of service as herein provided.

(b) **Service by publication.** If the residence of such parent is not known and cannot be ascertained, or if an attempt to effect service by either of the methods authorized in paragraph (a) hereof shall be unsuccessful, the judge may order that service shall be made by publication. The order shall direct that publication of notice of the pendency of the petition and of the time and place of the hearing thereof be made in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings once in each week for not less than four successive weeks as the court may prescribe, the last publication to be not less than twenty-one days prior to the time appointed for the hearing of the petition. The judge may, in addition to ordering publication, direct that a copy of the petition and notice be forthwith deposited in the post office, addressed to such parent at his last known place of residence. The service of the notice required by section 12271 shall be deemed complete at the expiration of the time prescribed by the order of publication. [L. 1919, c. 3, pt. of s. 1; R. L. 1925, s. 3038; am. L. 1931, c. 74, s. 1; R. L. 1935, s. 4524; R. L. 1945, s. 12275; am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12276. Hearing; investigation; decree.** No decree of adoption shall be entered unless a hearing shall have been held at which the petitioner or petitioners, and any legal parent married to a petitioner, and any child whose consent is required, shall have personally appeared before the judge, unless expressly excused by the judge. After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the judge may enter a decree of adoption if he is satisfied (a) that the child is adoptable under the provisions of section 12271 hereof, (b) that the child is physically, mentally and otherwise suitable for adoption by the petitioners, (c) that the petitioners are fit and proper persons and financially able to give the child a proper home and education, and (d) that the adoption will be for the best interests of the child, which decree shall take effect upon such date as may be fixed therein by the judge, such date to be not earlier than the date of the filing of the petition and not later than six months after the date of the entry of the decree; **provided**, however, that before entering such decree, the judge shall notify the director of the department of public welfare of the Territory or the nearest county administrator of such department of the pendency of such petition for adoption and allow a reasonable time for the director or such county administrator to make such investigation as he may deem proper as to the fitness of the petitioners to adopt the child, and as to whether the best interests of the child will be subserved by such adoption; **provided**, further, that the judge may, if he shall find that the best interests of the child so require, by written order waive the requirement for notification and investigation above set forth and enter his decree solely on the basis of the evidence adduced at the hearing; **provided**, further, that the director of the department of public welfare of the Territory shall have the right to intervene in any adoption proceeding for the purpose of protecting the interests of the child or of any legal parent of the child, and shall have the same rights of appeal as any party to the proceeding. It shall be the duty of the attorney general, upon the request of the director, to represent the director in any such proceeding. The director, when notified as above set forth, or when he shall have intervened without notification, shall make a report to the judge within the time required, reporting the facts disclosed and his recommendation; **provided**, however, that

the director, if he shall determine that the best interests of the child will be served thereby, may refer any such notification to a child placing organization approved by the department under the provisions of section 4830, as amended, and the report and recommendation of such organization, when forwarded by the director, shall be considered by the judge in lieu of a report and recommendation by the director. If the judge shall determine that any such report discloses facts adverse to the petitioners or indicates that the best interests of the child will not be subserved by the proposed adoption, he shall thereupon give notice of such determination to the petitioners and afford them a reasonable opportunity to rebut the report.

The decree may provide that, during the period, if any, between the entry thereof and the effective date of adoption, the care, custody and control of the child be given to the petitioner or petitioners, who, in such event, shall be liable during such period for the care, maintenance and support of the child and for its torts in the same manner as legal parents, and may further provide for the supervision and visitation of the child by said director or his agent during such period and for such reports in connection therewith as the judge may require.

Upon the discontinuance or withdrawal or denial of any petition for adoption, the judge shall have authority to make appropriate temporary orders concerning the care, custody and control of the child involved and may refer the child to the department of public welfare or to another appropriate agency or officer for action as in the case of a dependent child under the provisions of chapter 300.

At any time within one year from the date of entry of any decree of adoption, the judge may, for good cause, set aside or modify such decree and, in connection therewith, may make appropriate orders concerning the custody of the minor child and the disposition and handling of the record of adoption by the bureau of public health statistics of the board of health of the Territory of Hawaii; **provided**, however, that the setting aside or modification of any decree of adoption shall not affect any property rights which have become vested between the date of the entry of such decree or the effective date of such decree and the effective date of any order setting aside or modifying such decree of adoption.

No decree of adoption shall be subject to attack in



any collateral proceeding, and, after the expiration of one year from the date of its entry, no decree of adoption shall be subject to direct attack upon any ground other than fraud rendering the decree void as of the time of its entry.

The family name of the adoptive child shall be changed to that of the adoptive parent or parents and the given name of the child may be fixed or changed at the same time.

Notwithstanding the death of a petitioner or the petitioners during the pendency of the petition the judge, if he finds that the best interests of the child will be served thereby, and, in the case of a surviving petitioner, that such petitioner so desires, may enter a decree of adoption as prayed for in the petition, effective as of the date of the filing of the petition. [L. 1915, c. 47, s. 2; am. L. 1919, c. 3, pt. of s. 1; R. L. 1925, s. 3039; R. L. 1935, s. 4525; am. L. 1939, c. 135, s. 1; R. L. 1945, s. 12276; am. L. 1945, c. 40, s. 1; am. L. 1947, c. 47, s. 2; am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12276.01. Record of adoption.** A certified copy of the decree of adoption, or a certified abstract thereof on a form approved by the board of health of the Territory of Hawaii, shall, after such decree has become effective, be sent to the bureau of public health statistics of said board of health. Said bureau shall cause to be made a new record of the birth in the name of the child, as fixed or changed by the decree, with the names of the adoptive parents, and shall then cause to be sealed and filed the original birth certificate of the child with the decree or the abstract thereof, and such sealed package shall be opened only by order of a court of record. If the birth of the child occurred outside of the Territory, and a record of such birth exists, the certified copy of the decree or the abstract thereof shall be transmitted by the said bureau of public health statistics to the birth registration authorities of the place of the child's birth with a request that such authorities take appropriate action with respect to the record of the child's birth. If the birth of the child occurred outside of the Territory, or if the birth of a child born in the Territory has not been registered with the said bureau of public health statistics, or if other good cause exists, the clerk of the court shall, upon request, and with the approval of the judge exercising jurisdiction in adoption proceedings, upon the finding of the judge that such action is for the best interests of the child involved, furnish to the adop-

tive parents, or to the child, or to any proper person acting in their behalf, a certified copy or abstract of the decree of adoption, or a certificate of adoption in such form as shall be approved by the judge. If the parental rights of a parent or the parents of the child have been judicially terminated under the provisions of chapter 300 prior to the entry of the decree, a certified copy of the decree shall be filed in the termination proceeding. [L. 1945, c. 40, s. 2; am. L. 1947, c. 47, s. 3; am. L. 1949, c. 328, s. 1; am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12276.02. Secrecy of proceedings and records.**

The records in adoption proceedings, after the petition is filed and prior to the entry of the decree, shall be open to inspection only by the parties or their attorneys, the director of the department of public welfare or his agent, or by any proper person on a showing of good cause therefor, upon order of the court. Except in the case of a child being adopted by a person married to the legal father or mother of such child, or unless authorized by the judge, no petition for adoption shall set forth the name of the child sought to be adopted or the name of either of the parents of said child; **provided**, however, that the legal name of the child and the name of each of the child's legal parents may be added to the petition by amendment during the course of the hearing thereof and shall be included in the decree. The hearing of the petition shall be in chambers and shall not be open to the public. Upon the entry of the decree, or upon the later effective date of the decree, or upon the dismissal or discontinuance or other final disposition of the petition, the clerk of the court shall seal all records in the proceedings; **provided**, however, that, upon the written request of the petitioner or petitioners, the judge may waive the requirement that such records be sealed. Such seal shall not be broken and such records shall not be inspected by any person, including the parties to the proceedings, except upon order of the judge exercising jurisdiction in adoption proceedings.

The clerk of the court shall keep a docket of all adoption proceedings, which may be inspected only by order of the judge exercising jurisdiction in adoption proceedings. [L. 1945, c. 40, s. 2; am. L. 1953, c. 115, pt. of s. 1.]

**Sec. 12278. Effect of adoption.** A legally adopted child shall be considered to be a natural child of the whole blood of the adopting parent or parents under the provisions of chapter 291, relating to the descent of

property, and the former legal parent or parents of an adopted child and any other former legal relatives or next of kin shall not be considered to be related to such child under said provisions; and for all other purposes an adopted child and his adopting parent or parents shall sustain towards each other the legal relationship of parents and child and shall have all the rights and be subject to all the duties of that relationship, the same as if the child were the natural child of such adopting parent or parents, and all such duties and rights as between such child and its former legal parent or parents shall cease from the time of the adoption; **provided**, however, that if the child is adopted by a person married to a legal parent of the child, the full reciprocal rights and duties which theretofore existed between such legal parent and the child, and the rights of inheritance as between the child and such legal parent and the legal relatives of such parent, shall continue, notwithstanding the adoption, subject only to the rights acquired by and the duties imposed upon the adoptive parent by reason of the adoption. A child legally adopted under the laws of any State or Territory of the United States or under the laws of any nation shall be accorded the same rights and benefits in all respects as a child adopted under the provisions of this chapter." [L. 1905, c. 83, s. 1; am. L. 1915, c. 47, s. 3; am. L. 1919, c. 3, s. 1; R. L. 1925, s. 3041; R. L. 1935, s. 4527; R. L. 1945, s. 12278; am. L. 1953, c. 115, pt. of s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953, but it shall not be applicable to adoption proceedings pending on such effective date.

(Approved May 19, 1953.) S. B. 302, Act 115.

§ 12276. Decree. Am. L. 1945, Act 40 [D-194]; Am. L. 1947, Act 47 [D-175], rewritten p. 392.

§ 12276.01. Record of adoption. NEW, L. 1945, Act 40 [D-194]; Am. L. 1947, Act 47 [D-175]; Am. L. 1949, Act 328 [D-285].

§ 12276.02. Secrecy of records. NEW, L. 1945, Act 40 [D-194].

### Series D-228: ACT 103

An Act Relating to the Support of and Inheritance by Illegitimate Children.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 12279 of the Revised Laws of Hawaii 1945 is amended to read as follows:

"Sec. 12279. Support, inheritance. Except as otherwise provided by law, children whose parents shall not

have been legally married, in contemplation of chapter 301, shall be denominated illegitimate, and shall not be entitled to inherit from their fathers, without express bequest; **provided**, however, that any person who in writing duly acknowledged before an officer authorized to take acknowledgments, shall declare himself to be the father of such children, shall be compellable to provide such children with necessary maintenance and support as if they were born in lawful wedlock, and to pay the expenses of the mother's pregnancy and confinement; and **provided**, further, that the mothers in all cases shall be compellable to maintain and support them during their minority, and they shall be capable of taking by inheritance from the mother, without will." [C. C. 1859, s. 1289; R. L. 1925, s. 3042; R. L. 1935, s. 4528; R. L. 1945, s. 12279; am. L. 1953, c. 103, s. 1.]

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved May 19, 1953.) **S. B. 673, Act 103.**

§ 12280. Rep. L. 1949, Act 327 [A-92].

§ 12282. **Children in public streets, prohibited when; penalty.** Am. L. 1949, Act 279 [D-286].

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## Chapter 298A. COMMISSION ON CHILDREN AND YOUTH.

§§ 12295.01-.04. **Youth commission.** NEW, L. 1949, Act 294 [D-287].

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## Chapter 299. ILLEGITIMATES: PATERNITY PROCEEDINGS.

§ 12301. **Application for arrest of alleged father; time limit; examination.** Am. L. 1945, Act 177 [D-195]; am. L. 1947, Act 57 [D-176], rewritten pp. 395-96.

§ 12302. **Issuance of warrant; time limit; preliminary hearing; bond; trial when, jury.** Am. L. 1945, Act 177 [D-195].

§ 12302.01. **Guardian ad litem for minor accused; notice to and liability of parents.** NEW, L. 1947, Act 57 [D-176].

§ 12303. **Trial, judgment.** Am. L. 1945, Act 177 [D-195]; am. L. 1947, Act 57 [D-176].

§ 12304. **Bond after judgment.** Am. L. 1945, Act 177 [D-195].

§ 12306. **Compromise of case; consent of court necessary.** Am. L. 1947, Act 57 [D-176].

§ 12308. **Recovery by civil action.** Am. L. 1947, Act 57 [D-176].

§ 12310. **Prosecution within two years; county attorney to prosecute.** Am. L. 1947, Act 57 [D-176], rewritten p. 396.

## Chapter 300. JUVENILE COURTS.

§ 12321. **Dependants and delinquents. Evidence in proceedings inadmissible elsewhere. Proceedings not criminal.** Am. L. 1947, Act 56 [D-177], rewritten p. 399; am. L. 1949, Act 96 [D-288].

§ 12322. **Judges, jurisdiction.** Am. L. 1945, Act 142 [D-154]; am. L. 1947, Act 230 [D-178].

§ 12322.01. **Appointment of referees; duties.** NEW, L. 1949, Act 88 [D-289].

§ 12323. **Trial, record.** Am. L. 1947, Act 56 [D-177], rewritten pp. 399-400.

§ 12324. **Procedure; probation; commitment.** Am. L. 1947, Act 56 [D-177]; am. L. 1949, Act 230 [D-290], Act 46 [D-291].

§ 12324.01. **Age limits; determination of jurisdiction.** NEW, L. 1947, Act 56 [D-177].

§ 12325.01. **Rehearing; appeal.** NEW, L. 1947, Act 50 [D-179]; am. L. 1949, Act 45 [D-292].

§ 12327. **Care of delinquents; restrictions as to confinement; penalty.** Am. L. 1949, Act 300 [D-293], rewritten pp. 625-26.

§ 12328. **Detention and release of children.** Am. L. 1949, Act 89 [D-294].

§ 12329. **Care and custody of dependent and delinquent children; expenses.** Am. L. 1945, Act 4 [D-196]; am. L. 1947, Act 56 [D-177]; am. L. 1949, Act 331 [D-295], rewritten p. 628.

## Series D-229: ACT 200

An Act Amending Chapter 300 of the Revised Laws of Hawaii 1945, Relating to Juvenile Courts, by Adding Thereto a New Section Relating to Termination of Parental Rights.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 300 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered section 12329.01 and to read as follows:

"Sec. 12329.01. **Termination of parental rights.** 1. The legal parents or the surviving parent or the mother of a child born out of wedlock who desire to relinquish parental rights to any natural or adopted child and thus make such child available for adoption or readoption, may petition the juvenile court of the circuit in which they or he or she resides, or of the circuit in which the child resides, for the entry of a judgment of termination of parental rights. Such petition shall be verified and shall be substantially in the form prescribed by section 12324. Such a petition may be filed by the legal parents or the surviving parent or the unmarried mother of a living child, or by the legal parents or the surviving mother or the unmarried mother of an unborn child at any time following the sixth month of pregnancy; **provided**, however, that no judgment may be entered upon a petition concerning an

unborn child until after the birth of the child, and until the petitioner or petitioners shall have filed in the termination proceeding a written reaffirmation of their desires as expressed in the petition or until the petitioner or petitioners shall have been given not less than ten days' notice of a proposal for the entry of judgment and an opportunity to be heard in connection with such proposal.

2. The juvenile courts shall have authority to terminate the parental rights of any legal parent or parents in respect to any minor child: (a) who has been abandoned for a period of not less than six months; or (b) who has been voluntarily surrendered to the care and custody of others than the legal parents for a period of two years; or (c) who has been neglected, ill-treated or abused to such an extent that judicial action has been taken under this chapter which has resulted in the removal of such child from the physical custody of such parent or parents; or (d) whose parents or whose sole legal parent have or has legally been found to be mentally ill or mentally incompetent to an extent requiring institutional care and who shall be found, as a result of such mental illness or mental incompetence, to be incapacitated from giving consent to the adoption of such child. Such authority may be exercised only when a verified petition, substantially in the form prescribed by section 12324, shall have been filed by some proper adult person on behalf of the child in the juvenile court of the circuit in which the parents or a parent or the child resides and the court shall have conducted a hearing of such petition. A copy of every such petition, together with notice of the time and place of the hearing thereof, shall be personally served upon the parent or parents whose rights are sought to be terminated at least twenty days prior to such hearing. In the event that personal service cannot be effected within the Territory, service of such notice may be made as provided in section 10061 or 10062, whichever is applicable.

3. Every petition under the provisions of this section shall be filed in duplicate and the clerk of the court in which the same is filed shall immediately forward a copy of such petition, and of the notice of the time and place of the hearing thereof, to the director of the department of public welfare or to the nearest county administrator of such department. The said director or any such county administrator shall be permitted to appear and be heard at any such hearing on behalf of the petitioner or the child or the public and shall have the same right of appeal as any party to the proceeding. The attorney general shall,

at the request of the said director, represent and defend the interests of the department in any such proceeding. Upon the request of any petitioning parent or parents or upon the request of the department of public welfare, any child placing organization, approved by the department under the provisions of section 4830, as amended, shall be permitted to appear together with or in place of the department. If any petitioner or the department or any such child placing organization approved by the department or any parent whose rights are sought to be terminated shall request of the court a continuance of the hearing for the purpose of permitting an objective investigation of the circumstances of the child and the parent or parents concerned, no judgment of termination shall be entered prior to the expiration of thirty days from the date of such request or until the earlier date of the filing of a report of such investigation. In the event that a continuance has been requested as above provided, it shall be the duty of the department of public welfare to prepare or procure and to file in the termination proceeding a report of the facts disclosed as a result of investigation of the circumstances of the child and the parent or parents whose rights are sought to be terminated. The court may, for good cause, grant extensions of the time within which such report must be filed. Any such report shall be incorporated in the record of the proceeding and shall be considered by the court in determining the issues presented by the petition. The court may, if it deems such action necessary, appoint a guardian ad litem to represent and defend the interests of the child or of any minor parent.

4. No judgment of termination of parental rights entered under the provisions of this section shall be valid or binding unless it shall contain a finding that the facts upon which such petition is based bring the child within the provisions of this section and have been proved by the evidence and that the adjudication of termination of parental rights is necessary for the protection and preservation of the best interests of the child concerned and will facilitate the adoption of the child under the provisions of chapter 298 relating to adoption.

5. In any judgment entered pursuant to the provisions of this section the court may terminate the parental rights of one or both of the parents of the child concerned, may transfer the care, custody and control of such child to any proper person not forbidden by law to place a child for adoption or to the department of public welfare or to any child placing organization approved by the department

as aforesaid, may appoint a guardian of the person of such child, and may authorize such person or the department or such agency or such guardian to consent to the adoption of the child under the provisions of chapter 298 relating to adoption.

6. No judgment of termination of parental rights entered under the provisions of this section shall operate to terminate the mutual rights of inheritance of the child and the parent or parents involved, or to terminate the legal duties and liabilities of the parent or parents, unless and until the child shall have been legally adopted under the provisions of chapter 298 relating to adoption.

7. Every such judgment of termination of parental rights, when the procedural provisions of this section have been followed, shall become final and binding upon all of the parties concerned as of the date of its entry and filing, subject to the right of appeal upon the same terms and conditions as are set forth in section 9503. Upon the entry of such judgment, the clerk of the court shall seal all records in the proceeding and such seal shall not be broken and such records shall not be inspected by any person, including the parties to the proceeding, except upon order of the court. No such judgment shall be set aside for reasons other than the best interests and welfare of the child concerned, after the entry of a decree of adoption of the child concerned or during any period when the child is in an adoptive home in which the child has been placed by the department of public welfare or by a child placing organization approved by the department as aforesaid or by any person not forbidden by law to place a child for adoption. When any such child is placed for adoption, a sworn certificate evidencing such placement shall be filed in the termination proceeding by the agency or person making such placement. Upon the entry of a final decree of adoption of any such child, a certified copy of such decree shall be filed in the termination proceeding and notification of the entry of such decree, without disclosing the identity of the adopting parents, shall be given to each person whose parental rights have been terminated by registered mail addressed to the last known address of each such person; **provided**, however, that, at any time following the expiration of one year from the date of the entry of any such judgment of termination of parental rights, upon the motion of the parent or parents of such child or the department of public welfare or any child placing organization approved by the department as aforesaid or any other proper person, based



upon the fact that such child has not been adopted or placed in a prospective adoptive home, the court in which such judgment was entered shall review the same and shall consider the currently reported circumstances of the child and of the said parent or parents and shall enter its finding as to whether such circumstances, and the present best interests of the child, justify the continuance of such judgment. Upon such reconsideration, the court may either set aside such judgment or continue it in effect, as the circumstances may warrant." [L. 1953, c. 200, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953.

(Approved June 5, 1953.) **S. B. 283, Act 200.**

§ 12332. **Probation officers.** Am. L. 1945, Act 142 [D-154]; am. L. 1947, Act 230 [D-178].

## Chapter 301. MARRIAGE: MARRIED WOMEN: NAMES.

### Series D-230: ACT 79

An Act to Amend Section 12351 of the Revised Laws of Hawaii 1945, Relating to Marriage.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 12351** of the Revised Laws of Hawaii 1945, is hereby amended by substituting the words, "judicial circuit" in place of "judicial district", in line twenty-one of section 12351. [L. 1872, c. 23, s. 1; am. L. 1903, c. 28, s. 1; am. L. 1907, c. 42, s. 1; am. L. 1913, c. 8, s. 1; R. L. 1925, s. 2943; R. L. 1935, s. 4630; am. L. 1935, c. 185, s. 1; am. L. 1937, c. 59, s. 1; am. L. 1939, c. 122, s. 1; R. L. 1945, s. 12351; am. L. 1953, c. 79, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) **S. B. 199, Act 79.**

§ 12352. **Consent of parent or guardian.** Am. L. 1947, Act 43 [D-180], rewritten p. 405.

§ 12355. **Agent to grant; fee.** Am. L. 1947, Act 21 [D-181].

### Series D-231: ACT 87

An Act to Amend Section 12355 of the Revised Laws of Hawaii 1945, as Amended, Relating to Marriage License Agents and Fees.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. **Section 12355** of the Revised Laws of Hawaii 1945, as amended in toto by Act 21 of the Session Laws

of Hawaii 1947, is hereby further amended by amending the last sentence of paragraph (a) thereof to read as follows:

"Any agent appointed under this paragraph and receiving an application for a marriage license, shall collect from the applicants for such license three dollars, of which such agent, except in the district of Honolulu, shall retain two dollars for his benefit and compensation and shall remit one dollar to the treasurer of the Territory." [P. C. 1869, c. 55, s. 14; am. L. 1905, c. 11, s. 1; am. L. 1917, c. 189, s. 1; am. L. 1921, c. 121, s. 1; R. L. 1925, s. 2946; am. L. 1929, c. 104, s. 2; am. L. 1932, 2d, c. 34, s. 1; R. L. 1935, s. 4634; am. L. 1937, c. 122, s. 7; R. L. 1945, s. 12355; am. L. 1947, c. 21, s. 1; am. L. 1953, c. 87, s. 1.]

SECTION 2. This Act shall take effect on July 1, 1953.

(Approved May 18, 1953.) H. B. 673, Act 87.

Act 136 [D-197].  
 § 12356.01. **Premarital examination requirement.** NEW, L. 1945,

§ 12357. **Of divorced person.** Am. L. 1947, Act 83 [D-182].

§ 12358. **Persons under age.** Am. L. 1947, Act 43 [D-180], rewritten p. 405.

§ 12366. **Contracts.** Am. L. 1945, Act 5 [D-198].

§ 12366.01. **Partnership agreements.** NEW, L. 1945, Act 5 [D-198].

§ 12367. **Rep. L. 1945, Act 273 [D-201].**

§ 12371. **Not liable for husband's debts.** Am. L. 1945, Act 254 [D-199], rewritten p. 310.

§ 12372. **Husband's liabilities.** Am. L. 1945, Act 254 [D-199]; Am. L. 1949, Act 273 [D-201].

§§ 12373-5. **Rep. L. 1945, Act 273 [D-201]; see L. 1945, Act 254 [D-199].**

§ 12387. **Names, changed how.** Am. L. 1945, Act 145 [D-200].

### Series D-232: ACT 237

An Act Relating to Change of Names and Amending Section 12387 of the Revised Laws of Hawaii 1945, as Amended by Act 145, Series D-200, Session Laws of Hawaii 1945.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 12387 of the Revised Laws of Hawaii 1945, as amended, by Act 145, (Ser. D-200), Session Laws of Hawaii 1945, is hereby further amended to read as follows:

"Sec. 12387. **How changed.** It shall not be lawful to change any name adopted or conferred under this chapter, except (a) upon an order of the secretary of the Territory, which order shall be founded upon a petition executed by the person desirous of changing his name or, in case of a

minor, by the parents or by such parent who has custody of the minor, or by the guardian of the person of such minor, which petition shall be accompanied by the payment of filing costs in the amount of five dollars, and shall be published once in some newspaper of general circulation in the Territory in such order mentioned, and the petitioner shall deposit in the office of the secretary of the Territory an affidavit executed by an officer of the newspaper publishing such order, the affidavit to show that the order has been published as provided herein, and to have attached thereto a clipping showing the order as published, or (b) by any court or judge of competent jurisdiction, embodying in a decree of adoption a provision for change of name of the person adopted, or embodying in a decree of divorce a provision that a married woman may upon such divorce resume the use of her maiden name, or the name of a former husband.

The change of name provided for herein by order of the secretary of the Territory shall be effective upon the date of the signing of the order.

In all cases of change of name, except as otherwise provided, the order or decree shall be recorded in the bureau of conveyances.

All changes of names made by decree of any governor, or by the president of the Republic of Hawaii, or by the president of the Provisional Government of Hawaii, or by any king or queen of the Hawaiian Islands, are ratified and confirmed." [L. 1860, p. 32, s. 6; am. L. 1872, c. 30, s. 1; am. L. 1907, c. 75, s. 1; R. L. 1925, s. 3122; R. L. 1935, s. 4666; am. L. 1935, c. 93, s. 1; R. L. 1945, s. 12387; am. L. 1945, c. 145, s. 1; am. L. 1953, c. 237, s. 1.]

SECTION 2. This Act shall take effect upon its approval; **provided**, that all petitions filed after, or pending on the date of the approval of this Act, whether addressed to the governor or the secretary of the Territory, shall be acted upon by the secretary, and all papers and records relating to proceedings for change of name, wherein proof of publication has not been filed prior to the date of the approval of this Act, shall be transferred to the secretary of the Territory.

(Approved June 12, 1953.) **H. B. 786, Act 237.**

## Chapter 301A. COMMUNITY PROPERTY.

§§ 12391.01-.04. Rep. L. 1949, Act 242 [D-296].

§ 12391.05. **Presumption of separate property.** NEW, L. 1945, Act 273 [D-201]; am. L. 1949, Act 242 [D-296].

§ 12391.06. Rep. L. 1949, Act 242 [D-296].

§§ 12391.07-.09. **Transfers and control of property.** NEW, L. 1945, Act 273 [D-201].

§ 12391.10. **Control of community property.** NEW, L. 1945, Act 273 [D-201]; Am. L. 1949, Act 242 [D-296].

§ 12391.11. **Incapacity of spouse.** NEW, L. 1945, Act 273 [D-201].

§ 12391.12. **Representation in legal proceedings.** NEW, L. 1945, Act 273 [D-201].

§§ 12391.13-.14. **Property subject to obligation; divorce — division of property.** NEW, L. 1945, Act 273 [D-201].

§ 12391.15. **Death of husband or wife.** NEW, L. 1945, Act 273 [D-201]; Am. L. 1949, Act 242 [D-296].

§§ 12391.16-.18. **Balance of community property law.** NEW, L. 1945, Act 273 [D-201].

Title 33: EQUITY.

Chapter 304. PARTITION OF REAL ESTATE.

§ 12456. **Powers of court.** Am. L. 1949, Act 222 [B-204].

Title 34: GUARDIANS AND TRUSTEES.

Chapter 305. GUARDIANS AND WARDS.

§ 12504. **Small estates; clerk of court to act when.** Am. L. 1947, Act 96 [D-183], rewritten p. 408.

§ 12507. **Appointment of guardian ad litem.** Am. L. 1947, Act 78 [D-184].

§§ 12519.01-.03. **Conservator for absent persons' property.** NEW, L. 1945, Act 30 [D-202].

### Series D-233: ACT 222

An Act Giving Guardians Appointed Pursuant to Chapter 305, Revised Laws of Hawaii 1945, power to lease real estate of the Ward for a definite term, and to invest moneys of the Ward in the purchase of real or personal property or in the construction, improvement or repair of improvements on lands of the Ward.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 305, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by adding thereto a new section as follows:

“Sec. 12521.1. **Guardianship estates, leases, investments, etc.** Any circuit judge sitting at chambers in probate and having jurisdiction over a guardianship, on petition of the guardian and after such notice to those interested as shall be ordered by the judge, may, if it appears to be for the benefit of the ward authorize and direct the guardian to lease or extend the terms of the

leases of the real property for such periods as may be deemed advantageous to the ward; or to invest moneys of the ward in the purchase of real or personal property, or the constructing, improving or repairing of buildings or other improvements on the land belonging to the ward or in such other manner as the judge shall deem to be most for the benefit of the ward. Any lease or extension of lease made under any such authority or direction shall continue in force for the period so authorized notwithstanding the guardianship shall have terminated; **provided**, however, that in the case of the guardianship of a minor over the age of sixteen years, no lease to run beyond the age of majority of such minor shall be made without his consent." [L. 1953, c. 222, s. 1.]

SECTION 2. This Act shall apply to existing as well as future guardianship estates.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 10, 1953.) **S. B. 729, Act 222.**

**§ 12540. When value does not exceed two thousand five hundred dollars.** Am. L. 1945, Act 211 [D-203].

**§ 12545.** Rep. L. 1947, Act 97 [D-185].

**§ 12546. Notice of sale.** Am. L. 1949, Act 81 [D-297].

**§ 12549. Notice and perpetuation of evidence.** Am. L. 1947, Act 97 [D-185], rewritten p. 410.

**§ 12552. Sale, when valid.** Am. L. 1947, Act 97 [D-185]; Am. L. 1949, Act 81 [D-297].

#### Chapter 305A. VETERANS' GUARDIANSHIP, UNIFORM ACT.

**§§ 12561.01-.03. Guardianship of incompetent veterans, etc.** NEW, L. 1947, Act 202 [D-186].

**§ 12561.04. Limitation on number of wards.** NEW, L. 1947, Act 202 [D-186]; Am. L. 1951, Act 60 [D-239].

**§§ 12561.05-.22. Guardianship of incompetent veterans, etc.** NEW, L. 1947, Act 202 [D-186].

#### Chapter 306. TRUSTS AND TRUSTEES: ACCOUNTS.

**§ 12574. Trustees and guardians to file.** Am. L. 1945, Act 186 [D-204].

#### Title 35: LAND COURT AND CONVEYANCES.

#### Chapter 307. LAND COURT REGISTRATION.

## Series D-234: ACT 126

An Act to Amend Section 12612 of the Revised Laws of Hawaii 1945, Relating to the Land Court of the Territory of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 12612 of the Revised Laws of Hawaii 1945 is hereby amended by amending the eighteenth, nineteenth and twentieth lines of said section to read as follows:

"Any political subdivision of the Territory (including a municipal corporation or public body corporate and politic) by its mayor, chairman of its board of supervisors or its commissioners or its other governing body, or other chief executive officer, after resolution duly passed by its board of supervisors, commissioners, or other governing body so directing; the Territory, by the commissioner of public lands". [L. 1903, c. 56, s. 19; am. L. 1907, c. 43, s. 2; am. L. 1913, c. 126, s. 1; am. L. 1921, c. 208, s. 2; R. L. 1925, s. 3208; R. L. 1935, s. 5012; R. L. 1945, s. 12612; am. L. 1953, c. 126, s. 1.]

SECTION 2. This Act shall take effect upon its approval. (Approved May 21, 1953.) **S. B. 348, Act 126.**

§ 12630. **Reference to other judges or to master; maps, reference; subdivision; costs; etc.** Am. L. 1949, Act 394 [D-298].

§ 12641. **Tenure of holder of certificate of title.** Am. L. 1945, Act 255 [D-205]; am. L. 1949, Act 144 [D-299].

§ 12644. **Substitution, one certificate for several, several for one; subdivisions, map.** Am. L. 1949, Act 222 [B-204]; Am. L. 1951, Act 271 [B-147].

§ 12646. **No adverse possession or prescription.** Am. L. 1949, Act 64 [D-300].

§ 12660. **Procedure.** Am. L. 1951, Act 142 [D-240].

§ 12661. **Rep. L. 1951, Act 142 [D-240].**

§ 12662. **Foreclosure.** Am. L. 1951, Act 142 [D-240].

§ 12663. **Procedure.** Am. L. 1951, Act 142 [D-240].

§ 12669. **Filing, etc.** Am. L. 1949, Act 237 [D-301].

§ 12684. **Re-registration of mortgage or lease after partition.** Am. L. 1951, Act 142 [D-240].

§ 12685. **Notice of bankruptcy proceedings.** Am. L. 1949, Act 313 [D-302].

§ 12695. **Procedure.** Am. L. 1951, Act 142 [D-240].

§ 12698. **Fees required for protection against loss or damage.** Am. L. 1945, Act 255 [D-205].

§ 12705. **Schedule.** Am. L. 1945, Act 255 [D-205]; Am. L. 1945, Act 241 [D-206]; Am. L. 1949, Act 394 [D-298].

## Chapter 308. BUREAU OF CONVEYANCES: RECORDING.

§ 12710. **Registrar; appointment; tenure; salary.** Am. L. 1951, Act 47 [D-241].

- § 12712. **Deputy registrar; appointment; duties.** Am. L. 1951, Act 47 [D-241].
- § 12720. **Filing of plans; data; etc.** Am. L. 1949, Act 222 [B-204]; Am. L. 1951, Act 271 [B-147].
- § 12721. **Description; lot subdivisions.** Am. L. 1951, Act 200 [D-242], rewritten p. 593.
- § 12728. **Fees.** Am. L. 1947, Act 157 [D-187]; Am. L. 1951, Act 112 [D-243].
- § 12729. **Attested copies, certificates.** Am. L. 1951, Act 141 [D-244].
- § 12730. **Recording, method.** Am. L. 1945, Act 241 [D-206].
- § 12732.01. **Grantee's address in deed.** NEW, L. 1951, Act 38 [D-245].
- § 12733. **Acknowledgment certificates.** Am. L. 1945, Act 84 [D-207].
- § 12739. **Acknowledgments without the United States; persons in armed services, etc.** Am. L. 1945, Act 53 [D-208]; Am. L. 1947, Act 86 [D-188].
- § 12743.01. **Signatures of government officers.** NEW, L. 1945, Act 84 [D-207].
- § 12761.01. **Translation of Hawaiian documents, recording.** NEW, L. 1945, Act 54 [D-209].

#### Chapter 311. FEDERAL TAX LIEN REGISTRATION.

- § 12790. **Notices filed where.** Am. L. 1949, Act 216 [D-303].
- § 12793. **Rep.** L. 1949, Act 216 [D-303].
- § 12794. **Fees.** Am. L. 1949, Act 56 [D-304].

#### Chapter 311A. FEDERAL JUDGMENT REGISTRATION.

- § 12800. **Registration of federal judgments.** NEW, L. 1951, Act 295 [D-246].

### PART E.

#### Title 36: MISCELLANEOUS PROVISIONS.

#### Chapter 312. CERTAIN RIGHTS OF PEOPLE.

#### Series E-235: ACT 234

An Act to Amend Section 12903 of the Revised Laws of Hawaii 1945, Relating to Removal of Coral, Rock or Sand from Government Beach, Reef or Sand Bar and Providing Penalty Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 12903 of the Revised Laws of Hawaii 1945 is amended to read as follows:

"Sec. 12903. **Removal of coral, rock or sand from government beach, reef, or sand bar; penalty.** No person shall take coral, rock or sand from any government beach,

reef or sand bar in any of the counties, except for domestic use. In the counties other than the city and county of Honolulu, such taking for other uses may be allowed with the written permission of the governmental authority vested by law with the control of such coral, rock or sand. No such taking shall be lawful for any purpose in the city of Honolulu. In places other than the city of Honolulu, coral may be taken for curio purposes.

Any person convicted for the violation of this section shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for not more than one year, or both." [C. C. 1859, s. 1479; am. imp. Org. Act, s. 73; R. L. 1925, s. 578; am. L. 1927, c. 112, s. 1; R. L. 1935, s. 1696; R. L. 1945, s. 12903; am. L. 1953, c. 234, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **H. B. 616, Act 234.**

### Chapter 313. CERTIFICATES OF HAWAIIAN BIRTH: IMMIGRATION AND LABOR.

§ 12910. **Issuance; procedure.** Am. L. 1951, Act 132 [E-247].

### Chapter 313.01. DISASTER RELIEF.

§§ 12920.01-.11. **Disaster Relief.** NEW, L. 1949, Act 320 [E-305]; see L. 1951, Act 218 [E-258].

### Chapter 314. EQUAL RIGHTS COMMISSION.

§§ 12921-23. Rep. L. 1947, Act 115 [F-217].

### Chapter 315. FAIR AND KAMEHAMEHA DAY COMMISSIONS.

§ 12935. **How constituted; powers and duties.** Am. L. 1949, Act 87 [E-306].

### Chapter 316A. HISTORICAL SITES COMMISSION.

§§ 12942-45. **Historical sites commission; how constituted; powers and duties.** NEW, L. 1951, Act 36 [E-248].

### Chapter 317. MOLOKAI WATER.

§ 12951. **Administration of chapter by Hawaii irrigation authority.** Am. L. 1953, Act 245 [A-100], *supra*.

§ 12955. **Appropriation.** Am. L. 1953, Act 245 [A-100], *supra*.

§ 12960. **Effective date.** Am. L. 1953, Act 245 [A-100], *supra*.



## Title 37: WAR EMERGENCY, MILITARY AND DEFENSE.

## Chapter 318. MILITARY COURTS-MARTIAL.

## Series E-236: ACT 17

An Act to Amend Chapter 318, Revised Laws of Hawaii 1945, as Amended, Relating to Military Courts Martial.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 13000 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

**"Sec. 13000. Law officer, trial counsel, defense counsel.** Officers who may appoint general and special courts martial shall be competent to appoint a law officer, trial counsel, defense counsel, and one or more assistant trial and defense counsel." [L. 1895, c. 20, s. 23; R. L. 1925, s. 252; R. L. 1935, s. 7780; R. L. 1945, s. 13000; am. L. 1953, c. 17, s. 1.]

SECTION 2. **Section 13001** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting the word "and" in line 4 thereof and inserting the word "the", and by inserting after the words "United States" in line 4 the words "and Air National Guard of the United States".

(b) By deleting the words "Articles of War" in line 8 and inserting in lieu thereof the words "Uniform Code of Military Justice". [L. 1895, c. 20, s. 25; am. L. 1909, c. 46, pt. of s. 1; am. L. 1917, c. 87, s. 1; R. L. 1925, s. 253; R. L. 1935, s. 7781; R. L. 1945, s. 13001; am. L. 1953, c. 17, s. 2.]

SECTION 3. **Section 13003** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "except a commissioned officer" in line 6 thereof. [L. 1895, c. 20, s. 28; am. L. 1917, c. 87, s. 3; R. L. 1925, s. 255; R. L. 1935, s. 7783; R. L. 1945, s. 13003; am. L. 1953, c. 17, s. 3.]

SECTION 4. **Section 13005** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the words "National Guard" in line 1 the words "and Air National Guard". [L. 1917, c. 87, pt. of s. 9; R. L. 1925, s. 257; R. L. 1935, s. 7785; R. L. 1945, s. 13005; am. L. 1953, c. 17, s. 4.]

SECTION 5. **Section 13007** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "martial" in line 2 the words "or to the extent permitted by Federal law, by special courts martial". [L. 1895, c. 20, s. 30;

R. L. 1925, s. 259; R. L. 1935, s. 7787; R. L. 1945, s. 13007; am. L. 1953, c. 17, s. 5.]

SECTION 6. **Section 13008** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "judge advocate" in line 5 and inserting in lieu thereof the words "trial counsel". [L. 1895, c. 20, s. 31; am. L. 1917, c. 87, s. 5; R. L. 1925, s. 260; R. L. 1935, s. 7788; R. L. 1945, s. 13008; Am. L. 1953, c. 17, s. 6.]

SECTION 7. **Section 13009** of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the word "Army" in line 3 the words "and Air Force". [L. 1895, c. 20, s. 32; R. L. 1925, s. 261; R. L. 1935, s. 7789; R. L. 1945, s. 13009; am. L. 1953, c. 17, s. 7.]

SECTION 8. This Act shall take effect upon its approval.  
(Approved April 20, 1953.) **H. B. 302, Act 17.**

§ **13002. General courts-martial.** Am. L. 1951, Act 30 [E-249].  
§ **13011. Sentences to be approved.** Am. L. 1951, Act 30 [E-249].

## Chapter 319. MILITARY DUTY, ENROLLMENT OR PERSONS SUBJECT TO.

### Series E-237: ACT 33

An Act to Repeal Chapter 319, Revised Laws of Hawaii 1945, Relating to Preparation of Military Rolls by Tax Assessors.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 319 [**Sec. 13020-24.**] Revised Laws of Hawaii 1945, relating to preparation of military rolls by tax assessors is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.  
(Approved April 28, 1953.) **S. B. 200, Act 33.**

## Chapter 320. NATIONAL GUARD.

§§ **13030**, Am., **13030.01-.03**, NEW, **13032**, **13034-37**, **13040**, Am., **13041.01**, NEW, **13042-46**, **13048**, Am. L. 1947, Act 123 [E-189].

### Series E-238: ACT 16

An Act to Amend Chapter 320, Revised Laws of Hawaii 1945, as Amended, Relating to the National Guard and the Air National Guard.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 13034, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended to read as follows:

**"Sec. 13034. Same as United States Army and Air Force.** The organization, equipment, and discipline of the national guard and air national guard shall be the same as that prescribed from time to time by the secretary of the army and the secretary of the air force for the National Guard of the United States and Air National Guard of the United States respectively." [L. 1903, c. 59, s. 3; R. L. 1925, s. 204; R. L. 1935, s. 7814; R. L. 1945, s. 13034; am. L. 1947, c. 123, s. 1, pt. of (4); am. L. 1953, c. 16, s. 1.]

**SECTION 2. Section 13036,** Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended by inserting after the words "national guard" in the seventh line thereof, the words "and air national guard". [L. 1895, c. 20, s. 2; am. L. 1909, c. 46, pt. of s. 1; R. L. 1925, s. 206; R. L. 1935, s. 7816; R. L. 1945, s. 13036; am. L. 1947, c. 123, s. 1, pt. of (4); am. L. 1953, c. 16, s. 2.]

**SECTION 3. Section 13037,** Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended by inserting after the words "national guard" in lines 4 and 12, the words "and air national guard". [L. 1895, c. 20, s. 13; am. L. 1909, c. 46, pt. of s. 1; am. L. 1917, c. 86, s. 1; am. L. 1917, c. 209, s. 1; R. L. 1925, s. 207; am. L. 1927, c. 59, s. 1; R. L. 1935, s. 7817; R. L. 1945, s. 13037; am. L. 1947, c. 123, s. 1, pt. of (4); am. L. 1953, c. 16, s. 3.]

**SECTION 4. Section 13040,** Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended to read as follows:

**"Sec. 13040. Staff for military department: headquarters staff Hawaii National Guard.** The adjutant general shall have a military administrative executive, who will act as assistant adjutant general and such other necessary officers, clerks, employees and laborers as may be required from time to time to conduct properly the operation of the military department, and custodial services required of armories, reservations and rifle ranges. Salaries of civilian employees of the military department shall be payable out of territorial appropriations in accordance with the provisions of chapter 3, Revised Laws of Hawaii 1945, as amended. There shall also be a headquarters staff of the Hawaii National Guard which shall be divided into a national guard section and selective service section, which headquarters shall consist of offi-

cers, warrant officers, and enlisted men appointed or enlisted in the grades and numbers authorized by the secretary of the army, the officers to be appointed in branches of service authorized by law for the United States Army as appropriate to the mission of the staff, or section thereof. There shall also be a headquarters staff for the air units of the Hawaii National Guard which shall consist of those officers, warrant officers and airmen appointed or enlisted in the grades and numbers authorized by the secretary of the air force. One officer may be detailed to perform the duties of two or more officers. The adjutant general by virtue of his office shall be the chief of staff." [L. 1903, c. 59, s. 5; am. L. 1909, c. 46, pt. of s. 1; am. L. 1917, c. 86, s. 2; R. L. 1925, s. 210; am. L. 1927, c. 60, s. 1; R. L. 1935, s. 7820; R. L. 1945, s. 13041; am. L. 1947, c. 123, s. 1, pt. of (5); am. L. 1953, c. 16, s. 4.]

SECTION 5. Section 13043, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended to read as follows:

**"Sec. 13043. Officers and warrant officers; qualifications, appointment, tenure.** Commissioned officers and warrant officers must be citizens of the United States and must be not less than 21 years of age. They shall be appointed upon the order of the governor, subject to federal recognition as commissioned officers and warrant officers in the National Guard of the United States or Air National Guard of the United States, except as to those officers appointed as aides de camp to the governor and staff positions not requiring federal recognition. Officers and warrant officers whose appointments are subject to federal recognition must meet the qualifications prescribed by the secretary of the army or the secretary of the air force, as the case may be. The commissions of all officers and appointments of warrant officers shall continue in force indefinitely and until they are separated from the service of the national guard in accordance with this chapter." [L. 1895, c. 20, s. 3; am. L. 1896, c. 49, s. 1; am. L. 1909, c. 46, pt. of s. 1; am. L. 1917, c. 86, s. 3; am. L. 1917, c. 209, s. 2; R. L. 1925, s. 214; am. L. 1925, c. 69, s. 1; R. L. 1935, s. 7823; R. L. 1945, s. 13043; am. L. 1947, c. 123, s. 1, pt. of (7); am. L. 1953, c. 16, s. 5.]

SECTION 6. **Section 13044,** Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended by inserting after the words "na-

tional guard" in line 2 the words "and air national guard". [L. 1895, c. 20, s. 7; R. L. 1925, s. 215; R. L. 1935, s. 7824; R. L. 1945, s. 13044; am. L. 1947, c. 123, s. 1, pt. of (7); am. L. 1953, c. 16, s. 6.]

SECTION 7. Section 13045, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended to read as follows:

**"Sec. 13045. Commissioned and warrant officers; transfer to inactive list, retirement, separation.** The appointment of an officer (which term shall, unless the context otherwise requires, include commissioned and warrant officers) shall be terminated by death. Officers may be transferred to the inactive or retired lists, or separated from the service as follows:

(a) An officer may be honorably discharged upon his tender of resignation, removal of residence from the Territory, failure to meet or maintain the requirements for federal recognition, or acceptance of an incompatible office.

(b) Any officer who has reached the age of sixty-four (64) years may be honorably discharged or placed on the retired list.

(c) Any commissioned officer who shall have served in the same grade in the military service of the Territory for a continuous period of not less than ten (10) years, upon his own request, may be honorably discharged or placed on the retired list.

(d) Any officer who is rendered surplus by the disbandment of his unit, or who shall change his residence within the Territory and be unable to serve with the unit to which he was assigned, shall be absorbed in another unit of the national guard, or if there be no such other available unit such officer shall be transferred to an inactive status as authorized by the secretary of the army or the secretary of the air force, and may be ordered to perform appropriate duties.

(e) At any time the moral character, capacity and general fitness for the service of any officer may be investigated and determined by an efficiency board of three commissioned or warrant officers, senior in rank to him if possible, to be appointed by the governor. The investigation shall be thorough and impartial, and may include misconduct in civil life for which the officer is not amenable to trial by court-martial. If the findings are unfavorable to the officer and are approved by the governor, the officer shall be discharged.

(f) At any time the physical fitness for the service of any officer may, upon order of the governor, be investigated and determined by a board of not less than three commissioned officers, not less than two of whom shall be medical officers. If the board reports the officer to be physically unable to perform the duties of his office, and the report is approved by the governor, the officer may be discharged or placed on the retired list.

(g) Any officer who is under sentence of imprisonment by a civil court for any offense involving moral turpitude, whether suspended or not, or who has been absent without leave for three months, or who shall refuse or neglect to report before the board provided in paragraphs (e) or (f) above within a period of three months from the time he is ordered to report before such board may be discharged with the approval of the governor.

(h) Upon the approval by the governor of a sentence of dismissal rendered by a court-martial, the officer shall be dismissed." [L. 1895, c. 20, s. 8; am. L. 1909, c. 46, pt. of s. 1; am. L. 1917, c. 86, s. 4; R. L. 1925, s. 216; am. L. 1925, c. 53, s. 1; R. L. 1935, s. 7825; R. L. 1945, s. 13045; am. L. 1947, c. 123, s. 1, pt. of (7); am. L. 1953, c. 16, s. 7.]

SECTION 8. Section 13046, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended to read as follows:

**"Sec. 13046. Examination of officers and warrant officers.** Every officer and warrant officer of the national guard and air national guard, except those for whom federal recognition is not required shall, upon his appointment to an office and assignment to a unit, upon official orders, appear before an examining board and successfully pass such test as to his physical, moral and professional fitness as may be prescribed by the secretary of the army or the secretary of the air force. The examination to determine such qualifications for commissioned and warrant officers shall be conducted by a board of three officers, one of whom must be an officer of the United States Army or the United States Air Force, as appropriate, in accordance with the regulations issued by the secretary of the army or the secretary of the air force." [L. 1895, c. 20, s. 10; am. L. 1917, c. 86, s. 5; R. L. 1925, s. 217; R. L. 1935, s. 7826; R. L. 1945, s. 13046; am. L. 1947, c. 123, s. 1, pt. of (7); am. L. 1953, c. 16, s. 8.]

SECTION 9. **Section 13047**, Revised Laws of Hawaii 1945, is hereby amended by inserting after the word "officers" in line 1 thereof the words "and warrant officers". [L. 1895, c. 20, s. 14; am. L. 1909, c. 46, pt. of s. 1; R. L. 1925, s. 218; R. L. 1935, s. 7827; R. L. 1945, s. 13047; am. L. 1953, c. 16, s. 9.]

SECTION 10. **Section 13048**, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended by deleting the first sentence thereof. [L. 1895, c. 20, s. 42; R. L. 1925, s. 219; am. L. 1931, c. 23, s. 1; R. L. 1935, s. 7828; R. L. 1945, s. 13048; am. L. 1947, c. 123, s. 1, pt. of (8); am. L. 1953, c. 16, s. 10.]

SECTION 11. **Section 13050**, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, and Act 37, Session Laws of Hawaii 1951, is hereby further amended by adding after the words "national guard" in lines 8 and 9 the words "or air national guard". [L. 1913, c. 113, s. 1; R. L. 1925, s. 221; am. L. 1931, c. 131, s. 1; R. L. 1935, s. 7830; R. L. 1945, s. 13050; am. L. 1947, c. 123, s. 1, pt. of (9); am. L. 1951, c. 37, s. 1; am. L. 1953, c. 16, s. 11.]

SECTION 12. **Section 13051**, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby further amended by adding after the words "national guard" in lines 2, 5 and 6 thereof, the words "and air national guard" and deleting the word "soldier" in line 5 and inserting in lieu thereof the word "person". [L. 1903, c. 59, s. 7; am. L. 1917, c. 86, s. 6; R. L. 1925, s. 222; R. L. 1935, s. 7831; R. L. 1945, s. 13051; am. L. 1947, c. 123, s. 1, pt. of (9); am. L. 1953, c. 16, s. 12.]

SECTION 13. **Section 13052**, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

**"Sec. 13052. Discharge.** Discharges shall be granted for the same reasons and in like manner as are from time to time prescribed by the laws and regulations for the National Guard of the United States and Air National Guard of the United States." [L. 1895, c. 20, s. 19; am. L. 1898, c. 30, s. 2; am. L. 1909, c. 46, pt. of s. 1; am. L. 1917, c. 86, s. 7; R. L. 1925, s. 224; R. L. 1935, s. 7833; R. L. 1945, s. 10352; am. L. 1953, c. 16, s. 13.]

SECTION 14. **Section 13059**, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, and Act 115, Session Laws of Hawaii 1951, is hereby further amended by adding after the words "national guard" in line 2 the words "and air national guard" and by inserting after the words "department of the army" in line 10 thereof the

words "and department of the air force". [L. 1903, c. 59, s. 9; R. L. 1925, s. 231; am. L. 1927, c. 61, s. 1; R. L. 1935, s. 7840; R. L. 1945, s. 13059; am. L. 1947, c. 123, s. 1, pt. of (9); am. L. 1951, c. 115, s. 1 (1); am. L. 1953, c. 16, s. 14.]

SECTION 15. **Section 13060**, Revised Laws of Hawaii 1945, is hereby amended by deleting the words "War Department of the United States" from lines 3 and 4 thereof and inserting in lieu thereof the words "Secretary of the Army or Secretary of the Air Force of the United States". [L. 1903, c. 59, s. 10; am. L. 1909, c. 46, pt. of s. 1; R. L. 1925, s. 232; R. L. 1935, s. 7841; R. L. 1945, s. 13060; am. L. 1953, c. 16, s. 15.]

SECTION 16. **Section 13062**, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

**"Sec. 13062. Regulations for United States Army and Air Force to apply.** Whenever any portion of the militia, including the national guard and air national guard, shall be on active service under or pursuant to the order of the governor, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to the process of the Territory, or imminent danger thereof, or while engaged in disaster relief or for any other cause, the Uniform Code of Military Justice and regulations governing the Army and Air Force of the United States as far as such regulations are consistent with this chapter and the regulations issued thereunder, shall be enforced and regarded as a part of this chapter until the forces shall be relieved from duty. As to offenses committed when the Uniform Code of Military Justice is in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment here vested in them all additional jurisdiction and power of sentence and punishment exercisable by like courts under the Uniform Code of Military Justice or the regulations or laws governing the United States Army or Air Force, or the customs and usages thereof, subject to the limitations prescribed by section 13011." [L. 1909, c. 46, pt. of s. 1; R. L. 1925, s. 234; R. L. 1935, s. 7843; R. L. 1945, s. 13062; am. L. 1953, c. 16, s. 16.]

SECTION 17. **Section 13065**, Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, and Act 115, Session Laws of Hawaii 1951, is hereby further amended by adding after the words "national guard" in lines



2 and 4 thereof the words "or air national guard". [L. 1903, c. 59, s. 16; R. L. 1925, s. 237; am. L. 1931, c. 24, s. 1; R. L. 1935, s. 7846; R. L. 1945, s. 13065; am. L. 1951, c. 115, s. 1 (3); am. L. 1953, c. 16, s. 17.]

SECTION 18. Section 13070, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

**"Sec. 13070. Pay of officers and warrant officers while on active duty.** Officers and warrant officers of the national guard and air national guard while on active duty of the Territory shall receive the pay and allowances of officers and warrant officers of similar grades of the United States Army and Air Force respectively; **provided** that no pay or allowances shall be made to officers or warrant officers for any service for which they receive from the United States the pay and allowances made to officers and warrant officers of similar grade in the United States Army or Air Force." [L. 1911, c. 153, pt. of s. 1; R. L. 1925, s. 242; R. L. 1935, s. 7851; R. L. 1945, s. 13070; am. L. 1953, c. 16, s. 18.]

SECTION 19. This Act shall take effect upon its approval.

(Approved April 20, 1953.) **H. B. 301, Act 16.**

§ 13050. **Armory board; appointment, duties, etc.** Am. L. 1947, Act 123 [E-189]; Am. L. 1951, Act 37 [E-250].

§ 13051. **Enlistment.** Am. L. 1947, Act 123 [E-189].

§ 13059. **Report for service, drills, etc.** Am. L. 1951, Act 115 [E-251].

§ 13061. **Calling out the national guard and the unorganized militia of the Territory of Hawaii.** Am. L. 1951, Act 115 [E-251].

§ 13065. **Property of territory.** Am. L. 1951, Act 115 [E-251].

§ 13071. **Pay of enlisted men while on active duty.** Am. L. 1947, Act 123 [E-189]; Am. Sp. L. 1949, Act 31 [E-45].

§ 13072. **Same, maneuvers, etc.** Am. L. 1951, Act 115 [E-251].

## Chapter 322. HAWAII TERRITORIAL GUARD.

§ 13091. **Authority; name.** Am. L. 1949, Act 152 [E-307], rewritten p. 649.

§ 13094. **Requisitions; armories; other buildings.** Am. L. 1949, Act 152 [E-307], rewritten p. 649.

## Chapter 323. VETERANS, BURIAL OF: CEMETERIES.

§§ 13104.01-.03. **Veterans' cemeteries; appropriations; veterans' bonus.** NEW, L. 1947, Act 214 [E-190].

§ 13106. **Funeral expenses to be paid by Territory.** Am. L. 1945, Act 198 [E-210], rewritten p. 333.

## Chapter 323A. VETERANS' COUNCIL.

§§ 13108.01-.09. Rep. L. 1951, Act 75 [E-252].

§ 13109.01. Council. NEW, L. 1951, Act 75 [E-252].

§ 13109.02. Definitions. NEW, L. 1951, Act 75 [E-252].

## Series E-239: ACT 116

An Act to Amend Section 13109.02 of the Revised Laws of Hawaii 1945 (Section 2 of Act 75, Series E-252, of the Session Laws of Hawaii 1951), Relating to Council on Veterans' Affairs.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 13109.02 of the Revised Laws of Hawaii 1945, as enacted by section 2 of Act 75 of the Session Laws of Hawaii 1951, is hereby amended by inserting after the comma in paragraph (1), line 3 of said section, the words:

“‘Veteran’ shall mean (1) any person who shall have served in any of the armed services of the United States in any war or campaign in which the United States has been engaged, or any person who is now a citizen of the United States who shall have served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged, and (2) who shall have been honorably discharged from service because of disability or otherwise.” [L. 1951, c. 75, s. 2; am. L. 1953, c. 116, s. 1.]

SECTION 2. Any person formerly employed by the territorial council on veterans' affairs who was rendered ineligible for continuing in employment under, or reemployment by, the council on veterans' affairs created by said Act 75, by reason of the enactment of said Act 75, and who, if this Act had been in effect at the time he was so rendered ineligible, would have been eligible to continue in such employment under or be reemployed by the council on veterans' affairs created by said Act 75, shall be eligible for the same or similar employment, notwithstanding any provision to the contrary of said Act 75 or any other law enacted at the regular session of 1953 (or any extension thereof) of the legislature of this Territory.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 19, 1953.) S. B. 336, Act 116.

§§ 13109.03-.08. Veterans' Council. NEW, L. 1951, Act 75 [E-252].

## Chapter 323B. VETERANS LOANS.

## Series E-240: ACT 211

An Act Relating to the Purchasing and Making of Veterans' Home and Farm Loans by the Territory, Providing for the Issuance of General Obligation Bonds to Obtain Funds therefor, Providing for Administration thereof by the Territorial Treasurer, and Making Appropriations therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 13110.01]. SECTION 1. **Definitions.** As used herein: "Treasurer" means the treasurer of the Territory of Hawaii; "Veterans' Administrator" means the administrator of veterans' affairs of the United States or his successor.

"Veterans' mortgage" means a mortgage loan made to a veteran and guaranteed by the Veterans' Administrator pursuant to the provisions of sections 501 and 502 of the Servicemen's Readjustment Act of 1944, as amended, or any other comparable federal legislation providing for the guarantee by the Veterans' Administrator of a loan made to a veteran for the purchasing of residential property or for the construction of a dwelling to be occupied as his home, or for making repairs, alterations or improvements in property owned by him and occupied as his home, or for a farm, equipment and construction or improvement of a farm house used in connection with bona fide farming operations conducted by the veteran.

"Veteran" means any person entitled under federal legislation to obtain a veterans' mortgage.

"Mortgagee" means a financial institution which is the mortgagee of a veterans' mortgage and which has been certified by the treasurer as being eligible to sell veterans' mortgages to the treasurer and adequately equipped to service them.

"Service" of a veterans' mortgage, or "servicing" a veterans' mortgage includes the collection of, and the attempting to collect, all sums payable on the veterans' mortgage; the depositing of all such collections in accounts for the Territory; notification to the treasurer that mortgaged premises are damaged or vacant; periodic inspection of the mortgaged premises and notification to the treasurer concerning the condition thereof; notification to the treasurer of all veterans' mortgages that are delinquent for nonpayment of one or more monthly installments; and the using of due diligence to protect the mortgaged property and to prevent

the attachment to the mortgaged property of any liens superior thereto. [L. 1953, c. 211, s. 1.]

[Sec. 13110.02]. **SECTION 2. Purchase, servicing and sale of veterans' mortgages.** On and after July 1, 1953, the treasurer may purchase, service, and sell veterans' mortgages. The treasurer shall not pay for any veterans' mortgage an amount in excess of the unpaid principal balance thereof, plus accrued and unpaid interest, at the date of purchase. No veterans' mortgage shall be purchased, nor shall any commitment for the purchase thereof be made, until sufficient moneys have been obtained, by the sale of bonds as provided by this Act, or otherwise, to permit the treasurer to effectuate the provisions of this Act. [L. 1953, c. 211, s. 2.]

[Sec. 13110.03]. **SECTION 3. Veterans' mortgage requirements.** No veterans' mortgage shall be purchased:

(a) If the effective date of the guarantee of the veterans' administration therefor is prior to January 1, 1953.

(b) If the dwelling unit is more than one single family residence or if the original principal obligation of the loan exceeds or exceeded \$12,000.00.

(c) If the mortgagee has not complied with the law or veterans' administrator's rules governing the guarantee of veterans' loans and the guaranty is not in full effect.

(d) If such veterans' mortgage is not secured by property in the Territory of Hawaii.

(e) If such veterans' mortgage is not offered by the original mortgagee prior to any other sale thereof.

(f) If such veterans' mortgage does not provide for the periodic payments thereon to include the pro rata portion of taxes, insurance, ground rent, and assessments, if any.

Prior to the sale of a veterans' mortgage the mortgagee shall certify to the effect that no default or defaults exist and that the mortgagee knows of no existing condition affecting the mortgagor or his affairs which in the opinion of the mortgagee will cause the veterans' mortgage to become delinquent.

The treasurer may, by rule and regulation, establish such other minimum requirements, which must be met by veterans' mortgages to qualify for purchase, as are conducive to carrying out the provisions of this Act and are not in conflict therewith. [L. 1953, c. 211, s. 3.]

[Sec. 13110.04]. **SECTION 4. Servicing veterans' mortgages.** All sales of veterans' mortgages to the treasurer shall provide for the servicing of each such mortgage by the mortgagee, but the mortgagee shall not be obligated to bear any of the costs of foreclosure.

For servicing the veterans' mortgage, the mortgagee shall be entitled to receive from the interest collected on the veterans' mortgage a service charge in an amount prescribed by the rules of the treasurer and in addition, the late charges collected, if any. Such charge shall be in addition to any charges for originally making the loan and supervising construction permitted by the veterans' administrator.

The premises mortgaged under any veterans' mortgage shall be located close enough to the principal or branch office of the mortgagee, or a bona fide agent of the mortgagee, adequately to service the mortgage. The mortgagee and his agent shall be equipped so as to facilitate the servicing of veterans' mortgages. [L. 1953, c. 211, s. 4.]

[Sec. 13110.05]. SECTION 5. **Commitments to purchase veterans' mortgages.** The treasurer may enter into commitment contracts with mortgagees for the purchase of veterans' mortgages not in existence, or for which full disbursement has not been made, at the time the contract is entered into. [L. 1953, c. 211, s. 5.]

[Sec. 13110.06]. SECTION 6. **Default.** In the event of default in the payment of any veterans' mortgage, the treasurer shall file a notice of default with the veterans' administrator in accordance with the regulations of the veterans' administrator and shall take all necessary action to collect the delinquent principal and interest on the loan, including all actions allowed to holders of obligations guaranteed by the veterans' administrator.

The treasurer shall have power to deal with, rent, repair, renovate, modernize, or sell for cash, with a view to securing a maximum financial return to the Territory, any property acquired by it as a result of foreclosure proceedings or otherwise.

Nothing in this section shall be construed to preclude any forbearance for the benefit of the veteran as may be agreed to by the treasurer and the veteran and, if necessary, approved by the veterans' administrator. The treasurer may adopt programs for deferred payments by veterans to avoid undue hardship or sacrifice of values of properties mortgaged. [L. 1953, c. 211, s. 6.]

[Sec. 13110.07]. SECTION 7. **Rules and regulations.** From time to time, the treasurer may, as he deems necessary, make, alter, amend and repeal rules and regulations for the administration of this Act, and not inconsistent with the provisions thereof, including, but not limited to, additional minimum requirements to be met by veterans' mortgages to be eligible for purchase, minimum requirements to

be met by mortgagees in order to be eligible to sell veterans' mortgages to the treasurer and service them, the form in which veterans' mortgages shall be delivered to the treasurer, the information required to be submitted to show veterans' mortgages offered for sale comply with the provisions of this Act and are eligible for purchase, the covenants of and procedures for entering into purchase mortgage contracts and commitment contracts to purchase veterans' mortgages, and procedures for foreclosing veterans' mortgages and the bearing of the expenses thereof.

The treasurer, by rule and regulation shall prescribe the service charge provided for in section 4 hereof, but in no event shall it exceed one-half of one per cent per annum computed upon the unpaid principal balance of the veterans' mortgage, and also the full amount of the late charges paid by the mortgagor. [L. 1953, c. 211, s. 7.]

[Sec. 13110.08]. SECTION 8. **Direct loans to veterans.** Whenever the treasurer shall expressly find that so few loans are being made to veterans and so few veterans' mortgages are being offered for sale to the treasurer, that it is impossible to carry out the intent of this Act, the treasurer with the approval of the governor may make direct loans to veterans and take mortgages as security therefor. All such loans shall be submitted to the veterans' administrator for guarantee. The limitations on the purchase of veterans' mortgages shall apply to direct loan grants to the effect that mortgages taken therefor shall meet all requirements applicable to veterans' mortgages except that the loan is made directly by and is serviced by the treasurer.

In the event that loan grants are made directly by the treasurer, the treasurer shall adopt, and may amend and rescind, such rules and regulations as are necessary for the administration of this section. [L. 1953, c. 211, s. 8.]

[Sec. 13110.09]. SECTION 9. **Bonds.** The treasurer is authorized and empowered, with the approval of the governor, to issue from time to time general obligation bonds of the Territory to an amount not exceeding \$20,000,000.00 as provided by part I of chapter 115 of the Revised Laws of Hawaii 1945, as amended. The proceeds of sale of such bonds shall be used solely for the making or purchase of veterans' mortgages as provided in this Act.

All repayments of principal on mortgages made or purchased under this Act, all moneys received from the veterans' administrator with relation thereto, and all realizations on foreclosure of such mortgages shall be paid into a special fund in the territorial treasury, to be called the Veterans'

Bonds Fund, and used to pay the principal on bonds issued under this Act. All interest received on mortgages made or purchased under this Act and all fees and charges received from mortgagees or veterans under this Act, after service charges of mortgagees have been paid, and all other moneys received from the veterans' administrator shall be paid into a special fund in the territorial treasury, to be called the Veterans' Bonds Special Fund, and shall be used first to pay the interest on bonds issued under this Act, and then to pay the expenses of the treasurer in administering the provisions of this Act. To the extent that moneys in the veterans' bonds fund are inadequate to meet the principal, or moneys in the veterans' bonds special fund are inadequate to meet the interest on bonds issued under this Act, as the same become due for payment, such moneys in the general fund of the Territory as are not otherwise appropriated shall be used for such purpose. [L. 1953, c. 211, s. 9.]

[Sec. 13110.10]. SECTION 10. **Taxation.** All assets of the treasurer acquired in the administration of this Act shall not be subject to taxation, except that any real property the mortgage for which is held by the treasurer, and which has not been foreclosed, shall be subject to taxation to the same extent according to its value as other real property not so mortgaged. [L. 1953, c. 211, s. 10.]

[Sec. 13110.11]. SECTION 11. **Deposit of bonds.** Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency, or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States, or any such board, agency or instrumentality to the Territory for the purchase of veterans' mortgages. [L. 1953, c. 211, s. 11.]

[Sec. 13110.12]. SECTION 12. **Appropriations.** All moneys in the veterans' bonds fund created by section 9 hereof are hereby appropriated for the payment of principal on bonds issued under this Act as the same shall become due and payable, and all moneys in the veterans' bonds special fund created by section 9 hereof are hereby appropriated for the payment of interest on bonds issued under this Act and the payment of service charges to mortgagees, as the same shall become due and payable. There is hereby appropriated from the veterans' bonds special fund such amounts of money

as may be necessary to pay the salaries of employees of the office of the treasurer charged with the administration of this Act and the cost of supplies and equipment therefor, and for other expenses in connection therewith.

If there are moneys in general, special, or revolving funds in the Territory which, in the treasurer's judgment, are in excess of the amounts necessary for the immediate territorial requirements, and if in his judgment the necessary financial operations of the Territory will not be impeded or hampered thereby, the treasurer may make temporary loans therefrom to the veterans' bonds funds and the veterans' bonds special fund. Such loans shall in general comply with the provisions of section 5812 of the Revised Laws of Hawaii 1945, as amended. [L. 1953, c. 211, s. 12.]

[Sec. 13110.13]. SECTION 13. **Separability clause.** All of the provisions of this Act shall be liberally construed so as to facilitate the making of the maximum number of loans to veterans in the Territory of Hawaii. If any section, sentence, clause or phrase of this Act, or its application to any persons or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid and irrespective of the fact that the application of this Act to any one or more persons or circumstances be declared unconstitutional or invalid. [L. 1953, c. 211, s. 13.]

[Sec. 13110.14]. SECTION 14. **[Effective date.]** This Act shall take effect upon its approval as to any bonds, the total of which shall not exceed the limitation provided by section 55 of the Hawaiian Organic Act or any Act extending the amount of bonds which may be issued by the Territory, and as to any such bonds in excess of the limitation provided in section 55 of the Hawaiian Organic Act or of any Act extending such amount, this Act shall become effective if and when the Congress of the United States shall enact legislation ratifying this Act and authorizing such bond issue, notwithstanding the limitation of section 55 of the Hawaiian Organic Act or of any other law to the contrary. [L. 1953, c. 211, s. 14.]

(Approved June 8, 1953.) S. B. 87, Act 211.



## Chapter 324. HAWAII DEFENSE ACT.

§§ 13111-38. **Pau. L. 1947, Act 20 [E-191].**§ 13139. **Expiration date. Am. L. 1947, Act 20 [E-191].**

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## Chapter 327. PACIFIC WAR MEMORIAL COMMISSION.

§§ 13161-66. **Pacific war memorial commission. NEW, L. 1949, Act 288 [E-309].**§ 13162. **Powers of commission. Am. L. 1951, J. R. 37.**

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## Chapter 328. CIVIL DEFENSE AND EMERGENCY ACT.

§§ 13167-13198. **Civil Defense and Emergency act. NEW, L. 1951, Act 268 [E-253].**

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## HAWAII HOUSING AUTHORITY.

## Series E-241: ACT 7

An Act to Repeal Act 42 of the Session Laws of Hawaii 1939, as Amended, Relating to the Hawaii Housing Authority and the Appropriation of Moneys From the General Revenues of the Territory Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 42 of the Session Laws of Hawaii 1939, as amended by Act 232 of the Session Laws of Hawaii 1947, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.  
(Approved April 14, 1953.) **S. B. 349, Act 7.**

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## COMPILATION OF STATUTE LAWS.

## Series E-242: ACT 179

An Act Providing for the Appointment of a Commission to Compile the Statute Laws, Prescribing its Powers and Duties, and Making Appropriations Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A commission of three persons, to be designated as the compilation commission, is hereby constituted and authorized to compile all the statute laws of the Territory of Hawaii as they shall exist after the adjournment of this session of the legislature.

All the members of the said commission shall be attorneys admitted to practice in the Supreme Court of the Territory, who shall have resided in the Territory not less than three years immediately prior to their appointment, and no person shall be disqualified for membership on said commission or from receiving compensation therefor by reason of his being a judge, justice or other officer or employee of the territory or any county or of the United States, or be disqualified from holding such office or employment by reason of being appointed such member. Such members shall be appointed and commissioned by the governor.

SECTION 2. In making such compilation, statutes obviously inconsistent with the Constitution of the United States or the Hawaiian Organic Act shall not be included, and of two or more statutes which are obviously repugnant to each other, the statute last enacted alone shall be included.

SECTION 3. Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, the latter only shall be included.

SECTION 4. Where a statute is repugnant to the Constitution of the United States or the Hawaiian Organic Act in part only, it may be modified so as to conform thereto.

SECTION 5. Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject matter as the repealed statute, the first named statute may be modified so as to refer to such new statute in place of such repealed statute.

SECTION 6. Mistakes of omission or erroneous reference to other statutes or other mistakes, obviously made through oversight or accident in the original statutes, may be corrected.

SECTION 7. Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and, where any statute or part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 8. Any departure or change in the letter of existing statutes made under the provisions of this Act, either by way of alteration or omission, shall be noted.

SECTION 9. The commission shall recommend, in a separate report, such changes, repeals or modifications of said laws, not herein authorized to be made in the said compilation, as it deems advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 10. The commission may omit from the compilation, or may set forth in appendices or notes, any Act or provision of the nature described in paragraphs (e) to (i) inclusive of section 2 of Act 1, Session Laws of 1945, and any other Act or provision of an ephemeral nature. The commission shall make a report stating what Acts or provisions, or categories of Acts or provisions, have been omitted, or relegated to appendices or notes.

SECTION 11. (a) The compilation shall include a complete index, and, as a prefix, the Constitution of the United States and the Hawaiian Organic Act; head notes expressing the substance of each section of said compilation; notes stating briefly the date of the original enactment of each section and of the amendments thereof, if any, and where, if at all, the same is found in the last compilation; also citations of decisions, if any, published in the United States Supreme Court Reports, the Federal Reporter, the United States District Court for the Territory of Hawaii Reports, the Hawaiian Supreme Court Reports and the Opinions of the United States Attorney General, construing or relating to the subject matter of each section of the Hawaiian Organic Act or of the said compiled laws.

(b) The commission further is authorized to include, in the prefix, appendices, or notes of the compilation, such additional laws affecting the Territory, or references thereto, as it shall determine, and such tables as may be necessary or proper to show the disposition of the laws.

(c) In presenting the compilation to the legislature in draft form, as provided by the next section of this Act, the commission need not include in such draft the prefix, appendices, or notes.

SECTION 12. The compilation shall be presented to the legislature at its 1955 regular session, in draft form, so that the changes made by the legislature to which it is presented, together with the Constitution of the State of Hawaii, if the State shall have been admitted, may be incorporated prior to its publication, and the commission shall continue to function until such work shall be completed, and until the compilation shall have been printed and bound.

SECTION 13. The commission hereby is authorized and directed to make a study of methods of promulgating and providing copies of the laws enacted at each session of the legislature, and methods of cumulating and keeping current the compilation of the laws, including without prejudice to the generality of the foregoing a study of all the subject matter set forth in sections 2 and 3 of the Revised Laws of

Hawaii 1945 in relation to other possible means of treating the subject matter. The commission, at the time of presentation of the compilation, shall report its recommendations with drafts of appropriate legislation, required by this and all other sections of this Act.

SECTION 14. There is hereby appropriated for the purposes of this Act, the following sums for the following specific purposes:

Compensation to members of said commission....	\$15,000
Technical and clerical assistants and miscellaneous expense .....	26,500
Total .....	<u>\$41,500</u>

The foregoing appropriation for technical and clerical assistants and miscellaneous expense may be augmented by the governor from his contingent fund.

The commission hereby is authorized and empowered to call upon the legislative reference bureau for assistance, and from time to time, to cause funds appropriated for the commission's expenditure to be transferred to any appropriation made for the legislative reference bureau, to the end that said bureau may render such assistance.

SECTION 15 This Act shall take effect upon its approval.  
(Approved June 4, 1953.) S. B. 268, Act 179.

WAIVING STATUTE OF LIMITATIONS.

Series E-243: ACT 95

An Act to Waive the Statute of Limitations  
Relative to the Claim of Manuel Brun, and Authorizing  
Suit Thereon.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No claim of Manuel Brun for and on account of loss and damage sustained by him to his lands by reason of the failure of the county of Kauai to install, maintain, or make proper provision for drainage, whether by means of ditches or culverts or otherwise, shall be affected by any statute of limitation, and action may be maintained thereon, and judgment recovered against the county of Kauai, and suit on such claim is hereby expressly authorized; **provided**, however, that nothing herein contained shall authorize any such suit or action at any time after the expiration of two years from the effective date of this Act.

SECTION 2. This Act shall take effect upon its approval.

(Approved May 18, 1953.) H. B. 948, Act 95.

AUTHORIZING SUIT BY JAPANESE LANGUAGE  
SCHOOL AND WAIVING CERTAIN DEFENSES.

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Series E-244: ACT 53

An Act to Return Certain Lands to Makiki Japanese Language School Upon a Judicial Determination of the Entitlement of Such School Thereto.

WHEREAS, Makiki Japanese Language School is an eleemosynary corporation, duly existing under the laws of the Territory of Hawaii and organized for the purpose of operating an educational institution for the teaching of the Japanese language; and

WHEREAS, said Makiki Japanese Language School was operating such a language school from its incorporation on June 2, 1919 on certain premises owned by it at Kulaokahua, Honolulu, said Territory; and

WHEREAS, those certain premises were transferred to the Territory of Hawaii by said Makiki Japanese Language School by deed dated August 24, 1943, recorded at the bureau of conveyances in Honolulu, said Territory, in Book 1778, pages 465-467; and

WHEREAS, the officers and members of said Japanese Language School allege that such transfer was improperly made and that a rescission or cancellation of such deed should be had; and

WHEREAS, it is the sense of the Twenty-Seventh Legislature that opportunity be given the Makiki Japanese Language School to present its claim to a court of competent jurisdiction for proper judicial determination; now, therefore,  
*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For the purposes of this Act and the adjudication of any suit brought by the Makiki Japanese Language School to rescind or cancel said deed dated August 24, 1943, or otherwise perfect its title to the lands described in said deed, the immunity of the Territory to suit, action or proceeding is hereby waived and said Makiki Japanese Language School may proceed against the Territory as in the case of any other defendant, subject to the same procedures and defenses except for the defense of immunity from suit, the statute of limitations and laches, and also except for the defense of those provisions of section 8343, Revised Laws

of Hawaii 1945, with respect to the institution of suit to set aside a sale more than ninety days after recording of the instrument making the transfer; **provided**, that nothing contained herein shall be construed as an admission on the part of the Territory of any facts constituting the basis for said suit, action or proceeding; and **provided** further that nothing herein contained shall authorize the commencement of any such suit, action or proceeding at any time after the expiration of two years from the effective date of this Act.

SECTION 2. This Act shall take effect from and after the date of its approval.

(Approved May 1, 1953). **S. B. 545, Act 53.**

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**SALE OF ROBELLO SCHOOL LAND.**

**Series E-245: ACT 38**

An Act Amending Act 157 of Session Laws of Hawaii 1939, Relating to the Appropriation of Moneys Received Upon the Sale of Robello School Site.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 157 of Session Laws of Hawaii 1939 is hereby amended by amending section 1 thereof to read as follows:

"Sec. 1. Any moneys received, or which may be received, upon the sale of the site and improvements of the former Robello School, situated in the city of Honolulu, are hereby appropriated for the construction of classrooms and other buildings for school purposes at Kaiulani School, Honolulu, Oahu."

SECTION 2. Act 157 of Session Laws of Hawaii 1939 is hereby further amended by adding to section 1 thereof a new section to be numbered 1.01, to read as follows:

"Sec. 1.01. The moneys herein appropriated by this Act shall be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the superintendent of public works."

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 1953.) **H. B. 599, Act 38.**

## RETIREMENT OF CERTAIN PUBLIC OFFICERS.

**Series E-246: ACT 127**

An Act Relating to the Employment, Compensation and Retirement of Certain Public Officers and Employees and Their Positions.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. William Bishop Kaiheekai Taylor, Fred Noa, Joseph F. Lewis and Domenico Moro may be continued in their present positions in the service of the Territory of Hawaii or the city and county of Honolulu, as the case may be, after they reach the age of seventy years. They shall be employed under contract, and at a rate of pay which, added to any retirement benefits that they might receive or might be receiving, will equal the rate of pay being received by the foregoing named persons immediately prior to age seventy, until otherwise provided by the legislature of the Territory of Hawaii.

SECTION 2. This Act shall take effect upon its approval.

(Approved May 22, 1953.) **S. B. 172, Act 127.**

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## Note 8. LOAN FUND ACTS AND BOND ISSUES.

**Series E-247: ACT 280**

An Act Relating to Public Improvement and the Financing Thereof, Making Appropriations for Public Improvements and Providing for the Issuance of Public Improvement Bonds, and Memorializing Congress to Authorize the Issuance of Public Improvement Bonds of the Territory of Hawaii During the Years 1953 to 1959 Inclusive, Without Respect to the Limitations Imposed by the Hawaiian Organic Act.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. (a) The following sums are hereby appropriated for the following purposes out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated or so much thereof as may be found necessary:

## 1. TERRITORIAL IMPROVEMENTS (TERRITORY)

- |   |               |
|---|---------------|
| 1(a) Waimano Home .....   | \$ 525,000.00 |
| Dormitory Buildings, Septic tank, filter beds, sewer main and necessary utilities   |               |
| 1(b) Library — University of Hawaii.....  | 1,400,000.00  |
| (Provided, however, that the location of said library shall not cause the removal of the existing gymnasium)  |               |
| 1(c) Lahainaluna School .....   | 180,000.00    |
| Shop Building and Improvements  |               |
| 1(d) Lahainaluna Classroom Buildings.....   | 200,000.00    |
| (Item 1(c) and 1(d) shall be expended by the board of supervisors of the county of Maui in accordance with plans and specifications prepared by the engineers of said county) |               |
| 1(e) University of Hawaii (Hilo Branch) .....   | \$ 385,000.00 |

The foregoing appropriations shall be deemed to include the preparation of necessary plans. In case the amount specified in any item of this section shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely ascertained by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount appropriated by said item, will be required to complete said work, be transferred by the governor to supplement the appropriation for any other item or items

## 2. TERRITORIAL IMPROVEMENTS (OAHU)

- |   |              |
|---|--------------|
| 2(a) Lockers and showers, Wahiawa High School .....   | \$ 30,000.00 |
| 2(b) Addition to Kahuku Hospital.....   | 125,000.00   |
| 2(c) Wahiawa Civic Center Building.....   | 150,000.00   |
| 2(d) Swimming pool Farrington High School, Oahu, Supplemental funds to be provided by community.....  | \$ 90,000.00 |
| 2(e) Park at Kahaluu, Pakole or Heeia-Kea, Oahu, including purchase of narrow beach strips at discretion of superintendent of public works..... | 175,000.00   |



2(f)	Haleiwa breakwater and boat harbor... (To be expended under the direction of the board of harbor commissioners)	100,000.00
2(g)	Cafeteria — Waialua High School.....	92,500.00
2(h)	Cafeteria — Maemae School .....	92,500.00
2(i)	Flood Control — Kiki and Paukuwila streams — Waialua.....	50,000.00
2(j)	Flood Control Mailiili Stream Channel between Farrington Highway and sea.	75,000.00
2(k)	Kaena Point Road, Oahu..... ( <b>Provided</b> , however, that the construction of this project shall be by prison labor which shall be furnished as required by the director of institutions. The amount herein appropriated shall include the cost of necessary guards and a temporary construction camp and maintenance of prisoners as required for the actual construction work. The amount required for necessary guards, camp and maintenance of prisoners shall be determined by the superintendent of public works and the director of institutions, which sum shall then be expended on vouchers approved by the director of institutions)	150,000.00
2(l)	Lights and Fences	
	(1) Castle High School.....	21,000.00
	(2) Kahuku High School.....	21,000.00
	(3) Waialua High School.....	21,000.00
	(4) Wahiawa High School.....	21,000.00
	(5) Waipahu High School.....	15,000.00
	(6) Waipahu Elementary School....	15,000.00
	(7) Street Lights at Kipapa, Libby- Waipio .....	1,000.00
	(8) August Ahrens School.....	30,000.00
2(m)	Kaneohe Civic Center.....	100,000.00
2(n)	Kailua Community Center.....	100,000.00
2(o)	Ala Moana Park Beach.....	500,000.00
2(p)	Waikiki Beach improvement from natorium to Kapahulu Storm Drain.....	225,000.00
2(q)	Crescent Beach Waikiki of Yacht Harbor .....	110,000.00
2(r)	Ala Moana yacht channel and improvements .....	150,000.00

**Provided**, however, that items 2(o), 2(p), and 2(q) shall not be used for the condemnation/or acquisition of private property and **provided** further that item 2(p) shall not be expended until boundaries of private property along Waikiki Beach shall be so affixed that no addition or accretion to private land along said beach shall result through widening of said beach

2(s) University Avenue extension bridge...	250,000.00
2(t) Ala Wai makai retaining wall construction and reconstruction.....	40,000.00

### 3. TERRITORIAL IMPROVEMENTS — MAUI

3(a) Kahului Storm Drainage Facilities....	80,000.00
3(b) Iao Valley Road Bridge.....	130,000.00
3(c) Access Road to Kula Forest Reserve...	25,000.00
3(d) Completion of Maalaea Boat Harbor, including dredging (to be expended under the direction of board of harbor commissioners) .....	50,000.00
3(e) Waiohuli Keokea Drainage — Kihei...	30,000.00
3(f) Sanitary Sewerage System including pumping station for Paukukalo.....	130,000.00
3(g) Extension of Paia Sanitary Sewerage System .....	30,000.00
3(h) Park Facilities .....	50,000.00
Hana Park .....	\$10,000.00
Kihei Memorial Park.....	15,000.00
Makawao Park .....	25,000.00
3(i) Construction of and equipment for new Wailuku Fire Station at Wailuku.....	75,000.00
3(j) Lahaina Library .....	75,000.00
3(k) Wailuku Storm Drainage Facilities....	75,000.00
(Items 3(a), 3(b), 3(f), 3(g), 3(h), 3(i) and 3(k) shall be expended by the board of supervisors of the county of Maui in accordance with plans and specifications prepared by the engineer of said county)	

### 4. TERRITORIAL IMPROVEMENTS — KAUAI

4(a) Kauai Veterans' Memorial Hospital...	250,000.00
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- 4(b) Lihue Grammar School..... 175,000.00

**Provided** that the county of Kauai shall pay to the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for such of the projects referred to in items 4(a) and 4(b), both inclusive, as are to be undertaken in such county, the interest then due thereon and in addition thereto shall pay to the Territory on or before the twentieth day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of the county such amounts when due as are required by this section to be paid by Kauai county, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and Kauai county. (Items 4(a) and 4(b) shall be expended by the board of supervisors of the county of Kauai in accordance with plans and specifications prepared by the engineer of said county)

- 4(c) Small boat harbor and facilities at Wai-  
mea, Kauai ..... 75,000.00  
(To be expended under the direction of  
the board of harbor commissioners)

## 5. TERRITORIAL IMPROVEMENTS — HAWAII

- 5(a) Concrete seawall along Lihuiwai Street  
from Wailoa Bridge on Kamehameha  
Avenue makai to fish unloading platform 30,000.00
- 5(b) New fish unloading pier near mouth of  
Wailoa River approximately in location  
of old Kinau landing..... 35,000.00
- 5(c) Bulkhead wall along Waiakea side of  
Wailoa River above Kamehameha Ave-  
nue Bridge to serve for berthing small  
boats ..... 40,000.00
- 5(d) Construction and approach for small  
craft landing at South Point, Kau..... 30,000.00

5(e)	Construction small craft landing and dredging at Kawaihae, South Kohala, county of Hawaii.....	20,000.00
	(Items 5(a) to 5(e) to be expended under the direction of the board of harbor commissioners)	
5(f)	Widening road seaward and constructing seawall along that section of beach road at Kailua, North Kona, between Hulihee Palace and Kailua Wharf.....	100,000.00
5(g)	Kohala Mountain widening, paving and other improvements .....	100,000.00
5(h)	Widening, straightening, reconstructing and paving Saddle Road, island of Hawaii, from junction of county road near Hilo Golf Course mauka toward summit of mountain.....	75,000.00
5(i)	Construction including paving of Kua-wa Street from Kanoelehua toward Ma-nono Street .....	35,000.00
5(j)	Hawaii Vocational School Shops and Equipment .....	250,000.00
5(k)	Hawaiian Village .....	50,000.00
5(l)	Kapoho-Pahoa Road .....	40,000.00
5(m)	Territorial office building at Naalehu, Kau, for tax office, courthouse, public welfare, health and University of Hawaii Extension .....	50,000.00
5(n)	Onomea Arch Access Road.....	5,250.00
5(o)	Kona Agriculture Extension Office Roadway and parking area.....	9,750.00
5(p)	Kawaihae Puako water system.....	40,000.00
5(q)	Territorial public works office and carpenter yard building and paving.....	90,000.00
5(r)	Water development .....	800,000.00
	(To be expended under the direction of the board of water supply, county of Hawaii)	
5(s)	Flood control .....	200,000.00
	(To be expended by the board of supervisors of the county of Hawaii in accordance with plans and specifications prepared by the engineer of the county of Hawaii)	
	(Provided that the county of Hawaii shall pay to the Territory on the interest dates of serial bonds issued by the Terri-	

tory under this Act, the proceeds of which shall have been or are to be expended for such of the projects referred to in items 5(r) and 5(s), both inclusive, as are to be undertaken in the county of Hawaii, the interest then due thereon and in addition thereto shall pay to the Territory on or before the 20th day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of the county such amounts when due as are required by this section to be paid by Hawaii county, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and Hawaii county.

(b) The foregoing appropriations (2, 3, 4 and 5) shall be deemed to include the necessary plans. The sums appropriated by the foregoing items 2 to 5, both inclusive, shall be expended by the superintendent of public works unless otherwise specified.

(c) In case the amount specified in any item of this section shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely found by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount appropriated by said item, will be required to complete said work, be expended for the work specified in any of the other items for the same county, and any unrequired balance remaining after the completion of all the items for such county listed in this section shall be transferred to the permanent improvement fund of the same county.

SECTION 2. (a) The following sums are also hereby appropriated for the following purposes out of any moneys received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated or so much thereof as may be found necessary:

## 6. CITY AND COUNTY OF HONOLULU

6(a) School Classrooms .....	\$5,500,000.00
(Including \$300,000 or so much thereof as shall be needed in the discretion of the department of public instruction which shall be used for the construction of classrooms and toilets for the Kaiulani Elementary School and \$80,000 for the construction of classrooms for the University of Hawaii High School)	
6(b) Land and land improvements.....	1,250,000.00
6(c) Cafeterias .....	500,000.00
6(d) Administration buildings, libraries and special facilities .....	750,000.00
6(e) Oahu schools .....	7,000,000.00
(Item 6(e) to be expended only as provided by the 1955 legislature. This item is included solely for the purpose of securing authorization from the Congress of the United States to issue bonds in excess of existing debt limit as hereafter provided in section 6)	

## 7. COUNTY OF MAUI

(Schools including the cost of land, land improvements, buildings and other school facilities)

7(a) Lanai School .....	\$ 250,000.00
7(b) Wailuku Elementary School.....	250,000.00
7(c) New Papohaku School.....	240,000.00
7(d) New Kahului School.....	220,000.00
7(e) Kamehameha III School.....	320,000.00
7(f) Maui High Cafetorium.....	90,000.00
7(g) Waihee School .....	120,000.00
7(h) Kahului School Cafetorium.....	55,000.00
7(i) Kealahou School .....	175,000.00
7(j) Iao School Cafetorium.....	55,000.00
7(k) Hamakuapoko School .....	45,000.00
7(l) Kahakuloa School .....	28,000.00
7(m) Keokea School .....	150,000.00
7(n) Kaunoa School .....	150,000.00

## 8. COUNTY OF KAUAI

8(a) Lihue Grammar School.....	\$ 625,000.00
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(b) The foregoing appropriations, (items 6 to 8, both inclusive, shall be deemed to include the preparation of necessary plans. The sums appropriated by this section,

being items 6 to 8, both inclusive, shall be expended by the boards of supervisors of the respective counties.

(c) In case the amount specified in any item of this section shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely found by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount appropriated by said item, will be required to complete said work, be expended for the work specified in any of the other items for the same county, and any unrequired balance remaining after the completion of all the items for such county listed in this section shall be transferred to the permanent improvement fund of the same county.

(d) That no moneys shall be expended under any of said items 6 to 8, both inclusive, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of the improvements authorized by said item shall first have been passed upon and approved by the superintendent of public works, and before giving such approval the superintendent of public works shall inspect the locality in which the work is proposed to be done and shall familiarize himself with the local conditions affecting said proposed work.

(e) That all school buildings erected under any of the items in this section and all lands purchased for school purposes under any of the items specified in this section shall be subject to the approval of the department of public instruction as to the locality of the lands purchased and as to the size, arrangement, dimensions, lighting of the rooms and sanitary condition as to the buildings erected.

SECTION 3. Each county shall pay to the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for such of the projects referred to in items 6 to 8, both inclusive, as are to be undertaken in such county, the interest then due thereon and in addition thereto shall pay to the Territory on or before the twentieth day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of any county such amounts when due as are required by this section to be paid by such county, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and such county.

SECTION 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act (whether or not such item specifically provides for expenditure thereof in connection with federal funds), the proper territorial or county officers, or both, charged with the expenditure of the funds appropriated by such item, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to required conditions, transfer the funds appropriated by this Act to such other officer, officers or agents of the Territory or county (who are hereby given power to expend the same pursuant to the Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency, or instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 5. The sums appropriated by this Act shall be in addition to those appropriated by Act 205 of the Session Laws of Hawaii 1947, Act 401 of the Session Laws of Hawaii 1949, Act 321 of the Session Laws of Hawaii 1951, and by any other Acts appropriating moneys for the same or a similar purpose.

SECTION 6. As to those items included under Item 6 to 8, both inclusive, such appropriation in the aggregate amount of \$17,773,000, shall be valid only upon approval and ratification by the United States Congress; the Congress of the United States is hereby respectfully requested to author-



ize the issuance by the Territory of Hawaii, during the years 1953 to 1959, inclusive, any provision of the Hawaiian Organic Act or of any Act of Congress to the contrary notwithstanding of public improvement bonds in the amount of \$17,773,000 in excess of existing debt limitations; such bonds shall be serial bonds payable in substantially equal installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years, from the date of issue thereof; and the proceeds thereof shall be used only for the construction of school buildings and acquisition of school sites, the cost of preparation of necessary plans therefor and including essential educational facilities.

SECTION 7. This Act shall take effect upon its approval; **provided**, however, that the moneys appropriated by Items 6 to 8, both inclusive, of section 2 of this Act shall not be expended unless and until the Congress of the United States shall enact legislation approving this Act and authorizing the issuance of bonds in excess of the limits imposed by section 55 of the Hawaiian Organic Act as described in section 6 of this Act.

(Approved June 17, 1953) **H. B. 1, Act 280.**

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### Series E-248: ACT 254

#### An Act Providing for the Issuance of Public Improvement Bonds.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby empowered and authorized to issue bonds in the sum of two million dollars (\$2,000,000.00), **provided**, however, that the limitations and requirements in the Organic Act and chapter 117 of the Revised Laws of Hawaii 1945, as to the total bonded indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Act.

SECTION 2. The moneys realized from the bond issue provided for by section 1 of this Act shall be expended for the construction of sewerage systems in the city and county of Honolulu.

SECTION 3. The board of supervisors of the city and county of Honolulu is hereby empowered and authorized to issue bonds in the sum of one million dollars (\$1,000,000.00), **provided**, however, that limitation and requirements in the

Organic Act and chapter 117 of the Revised Laws of Hawaii 1945, as to the total bonded indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Act.

SECTION 4. The moneys realized from the bond issue provided for by section 3 of this Act shall be expended for construction, acquisition by gift, purchase, or the exercise of eminent domain, reconstruction, improvement, betterment, extension and maintenance of projects or undertakings for the control of and protection against floods and flood waters, including drainage and rehabilitation of lands already flooded; **provided**, that to the extent any of the foregoing work is a private responsibility such responsibility may be enforced by the city and county in lieu of the work being done at public expense.

SECTION 5. (a) The following sums are hereby appropriated for the following purposes out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated or so much thereof as may be found necessary:

COUNTY OF HAWAII

West Hawaii

- 1. Konawaena High and Elementary School acquisition of land, plans, survey, construction, furniture and equipment.....\$ 335,000.00
- 2. Pahala High and Elementary School cafeteria and equipment, plans, engineering and construction ..... 78,750.00
- 3. Kohala High and Elementary School, complete construction of secondary unit..... 200,000.00
- 4. Naalehu Intermediate and Elementary School, kindergarten classroom with lavatories ..... 10,000.00  
(not approved)
- 5. Waimea Intermediate and Elementary School industrial arts room..... 12,000.00  
(not approved)

East Hawaii

- 6. Kapiolani School classroom, equipment, cafeteria and other buildings, plans, survey, and construction ..... 164,000.00
- 7. Keaukaha School, classrooms and equipment, plans, engineering and construction.. 40,250.00

8.	Waiakeawaena School classrooms, cafeteria, equipment, and other buildings, plans, engineering and construction.....	77,500.00
9.	Second High School for Hilo, surveys and plans .....	26,000.00
	(not approved)	
10.	Ainaka School, Hilo, land, surveys, plans and construction of classrooms, cafeteria and other buildings .....	80,000.00
11.	Pahoa High and Elementary School, music room .....	10,000.00
	(not approved)	
12.	Olaa Intermediate and Elementary School, gymnasium-auditorium, acquisition and grading of land, plans and engineering.....	70,000.00
	(not approved)	
13.	Laupahoehoe High and Elementary School, gymnasium-auditorium, plans, engineering and construction .....	78,750.00
	(not approved)	
14.	New Waiakea Intermediate School, plans and engineering .....	26,000.00
	(not approved)	
15.	Hilo Intermediate School, cafeteria and equipment, plans, engineering and construction .....	90,000.00
	(not approved)	
16.	Hilo Union-Riverside School, cafeteria and equipment, plans, engineering and construction .....	80,000.00
	(not approved)	
17.	New High School, Hilo, construction of first phase including cafeteria, gymnasium, and other units .....	403,000.00
	(not approved)	
18.	New Waiakea Intermediate School, construction of classrooms, library, gymnasium, cafeteria and other units.....	393,000.00
	(not approved)	
19.	Additional classrooms, County of Hawaii..	225,750.00
	(not approved)	
	TOTAL .....	\$2,400,000.00
20.	E. S. Capellas Hall, bleachers and showers..	15,000.00
21.	Field house, Hilo.....	300,000.00
22.	Pololu Road, Kohala.....	25,000.00
	(not approved)	
	GRAND TOTAL .....	\$2,740,000.00

(b) The foregoing appropriations shall be deemed to include the preparation of necessary plans. The sums appropriated by this section, being items 1 to 22, both inclusive, shall be expended by the board of supervisors of the county of Hawaii in accordance with plans and specifications prepared by the engineer of such county.

(c) In case the amount specified in any item of this section shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely found by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount appropriated by said item, will be required to complete said work, be expended for the work specified in any of the other items for said county, and any unrequired balance remaining after the completion of all the items for such county listed in this section shall be transferred to the permanent improvement fund of said county.

(d) That no moneys shall be expended under any of said items 1 to 22 until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of the improvements authorized by said item shall first have been passed upon and approved by the superintendent of public works, and before giving such approval the superintendent of public works shall inspect the locality in which the work is proposed to be done and shall familiarize himself with the local conditions affecting said proposed work.

(e) That all school buildings erected under any of the items in this section and all lands purchased for school purposes under any of the items specified in this section shall be subject to the approval of the department of public instruction as to the locality of the lands purchased and as to the size, arrangement, dimensions, lighting of the rooms and sanitary condition as to the buildings erected.

SECTION 6. The county of Hawaii shall pay to the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for such of the projects referred to in items 1 to 22, both inclusive, as are to be undertaken in such county, the interest then due thereon and in addition thereto shall pay to the Territory on or before the twentieth day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of said county such amounts when due as are required by this section to be paid by such county

and proper receipts shall thereupon be exchanged between the treasurers of the Territory and the county of Hawaii.

SECTION 7. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act (whether or not such item specifically provides for expenditure thereof in connection with federal funds), the proper territorial or county officers, or both, charged with the expenditure of the funds appropriated by such item, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to required conditions, transfer the funds appropriated by this Act to such other officer, officers or agents of the Territory or county (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such Acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency, or instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 8. The sums appropriated by this Act shall be in addition to those appropriated by Act 205 of the Session Laws of Hawaii 1947, Act 401 of the Session Laws of Hawaii 1949, Act 321 of the Session Laws of Hawaii 1951, and by any other Acts appropriating moneys for the same or a similar purpose.

SECTION 9. The Congress of the United States is hereby requested to authorize the issuance by the Territory of Ha-

waii, during the years 1953 to 1959, inclusive, any provision of the Hawaiian Organic Act or of any Act of Congress to the contrary notwithstanding, of public improvement bonds in any amount, **provided** the total indebtedness of the Territory shall not at any time be extended beyond the limits imposed by section 55 of the Hawaiian Organic Act by more than twelve million dollars. Such bonds shall be serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years, from the date of issue thereof. No issue of bonds shall be made until the issue is approved by the president of the United States. The Congress of the United States is likewise hereby requested to approve this Act.

SECTION 10. This Act shall take effect upon its approval; **provided**, however, that the moneys appropriated by section 5 of this Act shall not be expended unless and until the Congress of the United States shall enact legislation approving this Act and authorizing the issuance of bonds in excess of the limits imposed by section 55 of the Hawaiian Organic Act as described in section 9 of this Act.

(Approved June 12, 1953, except for Naalehu Intermediate and Elementary School, \$10,000; Waimea Intermediate and Elementary School, \$12,000; Second High School for Hilo, surveys and plans, \$26,000; Pahoa High and Elementary School music room, \$10,000; Olaa Intermediate and Elementary School, \$70,000; Laupahoehoe High and Elementary School, \$78,750; New Waiakea Intermediate School, \$26,000; Hilo Intermediate, \$90,000; Hilo Union-Riverside School, \$80,000; New High School, Hilo, \$403,000; New Waiakea Intermediate School, \$393,000.00; additional classrooms, County of Hawaii, \$225,750; Pololu Road, Kohala, \$25,000).

S. B. 458, Act 254.

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### Series E-249: ACT 282

An Act Making Appropriation by Way of Advancement From the General Fund of the Territory to be Repaid by the Counties of Hawaii, Maui and Kauai Out of the Proceeds of Sales and/or Rental of Public Lands to the Extent of Their Respective Credits, for the Construction and Improvement of Certain Homestead and Other Roads in the Counties of Hawaii, Maui and Kauai.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated by way of advancement from the general fund of the Territory not other-

wise appropriated, for the construction, reconstruction, improvement and surfacing of certain homestead and other roads in the counties of Hawaii, Maui and Kauai in the amounts hereinafter designated:

A. County of Hawaii

1. Construction of Haihai Street from the mauka boundary of golf course towards Lot 820, Waiakea Homesteads, South Hilo, Hawaii.....\$15,000
2. Construction of west road from Pua-inako Street towards Ainaola Way. 10,000
3. Construction of Kawaihine Street Extension from Lot 615-A towards Lot 723 ..... 10,000
4. Construction and paving of Kuawa Street from Kanoelehua Street towards Manono Street..... 30,000  
(not approved)
5. Widening and paving that portion of Ainaola Way to be widened commencing from junction of Kawaihine Street and Ainaola Way, South Hilo 20,000  
(not approved)
6. Paving of Malaai Road from Ainaola Way toward Hoaka Road, South Hilo ..... 5,000  
(not approved)
7. Other Waiakea Homesteads roads.. 25,000  
(not approved)
8. Construction of road at Kaohe Homesteads, Puna, Hawaii..... 3,500  
(not approved)
9. Paving Kukui camp road from Volcano Road towards Grant 4321 Olaa, Puna, Hawaii ..... 6,000  
(not approved)
10. Construction of road from Honolulu to Makuu, Halepuaa Puna, Hawaii. 2,500  
(not approved)
11. Construction of road at Olaa Reservation Lots Tract, Puna, Hawaii between Lots 100-109 and Lots 307-242 on the makai side of said lots, Puna, Hawaii ..... 5,000  
(not approved)

12. Construction of crossroad number two, from the NE corner of Lot A-6, Olaa Reservation Lots, to the NE corner of Lot 21, Olaa New Tract Lots, connecting Peck Road and Olaa Back Road, Puna, Hawaii... 5,000  
(not approved)
13. Paving of Hoaka Road and installation of culverts, South Hilo..... 25,000  
(not approved)
14. Construction and paving of Onomea Arch Road from New Mamalahoa.. 10,000  
(not approved)
15. Construction of Kiula Homestead roads, Puna, Hawaii..... 5,000  
(not approved)
16. Construction of road from 13-mile Pulu to 8-mile road Puna, Hawaii.. 4,000  
(not approved)
17. Construction of Kinney road, Puna, Hawaii ..... 2,000  
(not approved)
18. Construction of road from nearest paved highway (running between Lots 11, 12, 15, 16, 20 and Lots 9, 10, 13, 14, 17, 18) to Grant 8933, Laupahoehoe Homesteads, North Hilo... 5,000  
(not approved)
19. Construction of road from Grant 3647 to Grant 9002, Kahoahuna Homesteads, North Hilo..... 5,000  
(not approved)
20. Extension of Lepaloa - Kauniho Homestead road from Lot 10 to Lot 16, Hakalau, North Hilo..... 5,000  
(not approved)
21. Resurfacing of Hakalau and Kaiwiki 3rd Homestead road from junction of Chin Chuck road at Lot 30 (Hakalau Homestead) along Kaiwiki road to Lot 22 (Kaiwiki 3rd Homestead) ..... 20,000  
(not approved)
22. Resurfacing of Pihai-Kahuku Homestead road from Lots 24-25 to Lots 13-14, North Hilo..... 7,500  
(not approved)



23. Resurfacing of Kaiwiki 3rd Homestead road from Mamalahoa Highway at Kaahakini gulch bridge at Lot 27 to Lot 34..... 10,000  
(not approved)
24. Construction and improvement of Kulaimano Homestead road..... 3,000  
(not approved)
25. Construction of road along Lot 36 in Lot 38 at upper Pohakea Homesteads, Hamakua ..... 20,000
26. Construction, paving and improving of homestead road from Lot 1 to Lot 18 at Kaapahu, Hamakua..... 15,000  
(not approved)
27. Construction of homestead road from Lot 3, Grant 7190, 3rd Series, towards Lot 12, Grant 4923, 3rd Series, Ahualoa Homesteads..... 20,000  
(not approved)
28. Improvement and widening of Wood Valley Homestead Road.... 15,000
29. Construction of the Lindsey road, South Kohala, beginning at Lot 15 through Lot 16..... 5,000  
(not approved)
30. Construction of homestead roads in North Kohala ..... 15,000  
(not approved)
31. Construction of Ala'e Homestead road, South Kona, Hawaii..... 10,000  
(not approved)
32. Construction of Kaapoko Homestead road from Grant 5740 towards Grant 5736 Kaapoko Homestead, South Hilo, Hawaii, Tax Map Key 2-7-05 ..... 15,000  
(not approved)
33. Widening and paving portion of Manowaiopae Homestead road from the east corner of Executive Order No. 47 running southerly and westerly to the west corner of Grant 7061 thence northerly and easterly to the old railroad right of way Manowaiopae Homesteads, North Hilo, Hawaii, Tax Map Key 6-3-01..... 10,000  
(not approved)

34. Construction of Ahualoa Homestead road from the Honokaa-Wai-meia belt road beginning at the northeast corner of parcel 47, 3rd Div. Tax Map Key 4-06-07 towards the southwest corner of Lot 46, Grant 4785, Ahualoa Homestead, Hamakua, Hawaii, Tax Map Key 4-06-07 ..... 10,000  
(not approved)
35. Construction of Wood Valley Homestead road from the southeast corner of Grant 6267 :B, Tax Map Key 9-6-08:1 towards and along northeast side of Grant 7404; thence along southeast side of Grant 8518 towards the end of county of Hawaii Project Job No. 1270, Wood Valley Homesteads, Kau, Hawaii, Tax Map Key 9-08 ..... 31,500
36. Construction of road from the main government belt road from the northwest corner of Grant 3744 towards northeast corner of Grant 9982, Homestead road in Hamanama, North Kona, Hawaii..... 10,000  
(not approved)
37. Widening of right of way and construction of road from main belt road at the northwest corner of Lot 13, Tax Map Key 7-6-07:9 going easterly to the southeast corner of Lot 51, thence northerly to the northwest corner of Lot 67 thence easterly to the southwest corner of Lot 73-A, Tax Map Key 7-6-03:1, thence northerly towards L. C. Aw. 7990 ..... 10,000  
(not approved)
38. Kohanaiki Homestead road beginning at intersection of Mamalahoa Highway running makai seaward from Lot 19, Tax Map Key 7-3-07-01 to Lot 11, Tax Map Key 7-3-07-01.. 5,000  
(not approved)

39. Widening, paving and resurfacing Kailua-Keauhou Beach road from Kailua to Keauhou Bay.....	10,000 (not approved)
40. Construction and paving Luana Street, Ocean View, Hilo.....	5,000 (not approved)
41. Construction and paving road between Manono Street and proposed Hawaiian village in Hilo along Wailoa River .....	5,000 (not approved)
TOTAL FOR COUNTY OF HAWAII .....	\$450,000
B. County of Maui	
1. Improvement of road from Waihee to Kahakuloa .....	100,000
2. Extension and surfacing of Kihei-Makena Road from end of present pavement at Paeahu towards Kanaio including acquisitions of right of way for realignment.....	80,000 (not approved)
3. Regrading and surfacing Olinda Road .....	40,000 (not approved)
4. Regrading and surfacing of Kamehamehaiki Homestead road.....	30,000 (not approved)
5. Regrading and surfacing of homestead road known as Walker's Road .....	50,000 (not approved)
TOTAL FOR COUNTY OF MAUI .....	\$300,000
C. County of Kauai	
1. Paving Puupilo Road.....	6,000 (not approved)
2. Reconstruction and paving portion of Waewae Road.....	10,000 (not approved)
3. Reconstruction of Awawa Road....	5,000 (not approved)
4. Reconstruction and construction of Apopo Road .....	7,000 (not approved)
5. Paving Iwilei Road.....	2,500 (not approved)

# ROAD IMPROVEMENT ACT

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6. Paving Kahakai Road.....	9,000	
	(not approved)	
7. Reconstruction of Weliweli Road..	7,000	
	(not approved)	
8. Paving portion of Waipouli Road..	18,000	
	(not approved)	
9. Paving portion of Kuli Road.....	3,500	
	(not approved)	
10. Paving portion of Kalama Road...	6,000	
	(not approved)	
11. Paving Puulima Road.....	4,500	
	(not approved)	
12. Reconstruction and paving portion of Ohiki Road.....	10,000	
	(not approved)	
13. Reconstruction and paving Ihu Road .....	3,500	
	(not approved)	
14. Reconstruction of Hardy Street....	8,000	
	(not approved)	
15. Construction Kokee-Haena Road..	100,000	
TOTAL FOR COUNTY OF KAUAI .....		\$200,000

provided, however, that the construction of that project designated under "C" 15 therein shall be under the supervision of and be carried out by the superintendent of public works of the Territory who shall furnish engineering services and general supervision. The department of institutions shall at all times furnish not less than thirty-five prisoners each day, together with guards and camps for, and maintenance of prisoners, as required for the actual construction work. The sum of ten thousand dollars of the sum appropriated by "C" 15 shall be used for personnel required to administer such camps, such amount to be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the director of institutions.

SECTION 2. The money hereby appropriated shall, with the exception of section "C" 15, be dispersed on warrants of the territorial auditor based upon vouchers approved by the commissioner of public lands, who shall carry out the projects hereby authorized by contract with or through the appropriate counties.

SECTION 3. The money hereby appropriated shall be deemed to be in advancement out of the general fund of the Territory, said fund to be reimbursed from the sale and/or

rental of public lands in the several counties, to the extent of their respective credits.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 1953, except for items A. 4., construction and paving of Kuawa Street, \$30,000; A. 5., widening and paving of Ainaola Way, \$20,000; A. 6., paving of Malaai Road, \$5,000; A. 7., other Waiakea Homesteads roads, \$25,000; A. 8., construction of road at Kaohē Homesteads, \$3,500; A. 9., paving Kukui camp road, \$6,000; A. 10., construction of road from Honolulu to Makuu, \$2,500; A. 11., construction of road at Olāa Reservation Lots Tract, \$5,000; A. 12., construction of crossroad number two, \$5,000; A. 13., paving of Hoaka Road and installation of culverts, \$25,000; A. 14., construction and paving of Onomea Arch Road, \$10,000; A. 15., construction of Kiula Homestead roads, \$5,000; A. 16., construction of road from 13-mile Pulu to 8-mile road, \$4,000; A. 17., construction of Kinney road, \$2,000; A. 18., construction of road from nearest paved highway to Grant 8933, \$5,000; A. 19., construction of road from Grant 3647 to Grant 9002, \$5,000; A. 20., extension of Lepalōa-Kaunihō Homestead road, \$5,000; A. 21., resurfacing of Hakalau and Kaiwiki 3rd Homestead road, \$20,000; A. 22., resurfacing of Pihai-Kahuku Homestead road, \$7,500; A. 23., resurfacing of Kaiwiki 3rd Homestead road, \$10,000; A. 24., construction and improvement of Kulaimano Homestead road, \$3,000; A. 26., construction, paving and improving of homestead road, \$15,000; A. 27., construction of homestead road from Lot 3, \$20,000; A. 29., construction of the Lindsey road, \$5,000; A. 30., construction of homestead roads in North Kohala, \$15,000; A. 31., construction of Ala'e Homestead road, \$10,000; A. 32., construction of Kaapoko Homestead road, \$15,000; A. 33., widening and paving portion of Manowaiopae Homestead road, \$10,000; A. 34., construction of Ahualoa Homestead road, \$10,000; A. 36., construction of road from the main government belt road, \$10,000; A. 37., widening of right of way and construction of road from main belt road, \$10,000; A. 38., Kohanaiki Homestead road, \$5,000; A. 39., widening, paving and resurfacing Kailua-Keauhou Beach, \$10,000; A. 40., construction and paving Luana Street, \$5,000; A. 41., construction and paving road between Manono Street and proposed Hawaiian village, \$5,000; B. 2., extension and surfacing of Kihei-Makena Road, \$80,000; B. 3., regrading and surfacing Olinda Road, \$40,000; B. 4., regrading and surfacing of Kamehamehaiki Homestead road, \$30,000; B. 5., regrading and surfacing of homestead road, \$50,000; C. 1., paving Puupilo Road, \$6,000; C. 2., reconstruction and paving portion of Waewae Road, \$10,000; C. 3., reconstruction of Awawa Road \$5,000; C. 4., reconstruction and construction of Apopo Road, \$7,000; C. 5., paving Iwilei road, \$2,500; C. 6., paving Kahakai road, \$9,000; C. 7., reconstruction of Weliweli road \$7,000; C. 8., paving portion of Waipouli road, \$18,000; C. 9., paving portion of Kuli road, \$3,500; C. 10., paving portion of Kalama Road, \$6,000; C. 11., paving Puulima road, \$4,500; C. 12., reconstruction and paving portion of Ohiki road, \$10,000; C. 13., reconstruction and paving Ihu road, \$3,500; C. 14., reconstruction of Hardy Street, \$8,000).

H. B. 722, Act 282.

#### Series E-250: ACT 193

An Act to Amend Act 251 of the Session Laws of Hawaii 1941, as Amended, Relating to the County of Kauai Bonds for Public Improvements.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 251 (Series E-320) of the Session Laws of Hawaii 1941, as amended, is hereby further amended in the following respects:

(1) By substituting for the words and figures reading:  
 "Health centers at Kapaa and Waimea, including the construction of plant, furnishings and facilities .....\$50,000.00"  
 the following words and figures:

"Construction of Kauai veterans memorial hospital .....\$25,000.00  
 Construction of an approach to and an overhead walk over the adjacent county road for Kapaa High and Elementary School.....\$10,000.00  
 Development of the baseball park at Kapaa, Kauai .....\$15,000.00".

(2) By deleting the final paragraph of said section 1 and substituting therefor the following:

"The expenditure of the amount provided for the construction of the Kauai veterans memorial hospital shall be made by the board of supervisors upon plans approved by the territorial board of health, and the expenditures of the amounts provided for the construction of an overhead walk over the adjacent county road for Kapaa High and Elementary School and for the development of the baseball park at Kapaa, Kauai, shall be made by the board of supervisors."

SECTION 2. This Act shall take effect upon its approval.  
 (Approved June 5, 1953.) **H. B. 1130, Act 193.**

### **Series E-251: ACT 157**

An Act Providing for Improvements at Waimea, Kauai, Amending Act 382 of the Session Laws of Hawaii 1949.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 382 (Series E-323) of the Session Laws of Hawaii 1949, is hereby amended by amending the first item set forth in section 2 thereof to read as follows:

"Construction and permanent equipment,  
 Kauai Veterans, Memorial Hospital..\$75,000.00".

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 1, 1953.) **S. B. 31, Act 157.**

**Series E-252: ACT 156**

An Act Appropriating Loan Funds for Lihue School, Kauai, Amending Act 401, Session Laws of Hawaii 1949.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 401 of the Session Laws of Hawaii 1949 is hereby amended by amending item 57 of section 2 thereof to read as follows:

“57. Construction and permanent equipment, Lihue School .....\$85,000.00”.

SECTION 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 1, 1953.) **S. B. 30, Act 156.**

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**Series E-253: ACT 61**

An Act to Amend Act 38 of the Regular Session Laws of Hawaii 1949, as Amended, Relieving the County of Kauai From the Mandate of Appropriating Fifty Thousand Dollars for the Construction of a Drainage Canal in Waimea, Kauai.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 38 of the Regular Session Laws of Hawaii 1949, as amended by Act 6 of the Special Session Laws of Hawaii 1950, is hereby further amended to read as follows:

“Section 1. The board of supervisors of the county of Kauai is hereby authorized to appropriate the sum of fifty thousand dollars, or so much thereof as may be necessary, for the construction of a drainage canal in Waimea, Kauai.

Section 2. The moneys appropriated in accordance with this Act shall be expended under the supervision and direction of the county engineer, in cooperation with the superintendent of public works, Territory of Hawaii.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 7, 1953.) **H. B. 284, Act 61.**

## Series E-254: ACT 2

An Act to Amend Act 79 of the Session Laws of Hawaii 1951, Relating to the Improvement and Development of Public Lands Formerly Known as "Kapaa Swamp", Kapaa, Kauai.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 79 of the Session Laws of Hawaii 1951 is hereby amended by deleting the sixth line thereof and inserting the following:

"work in connection therewith, including additional filling as necessary, and also for the construction of".

[L. 1951, c. 79, s. 1; am. L. 1953, c. 2, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved March 25, 1953.) **S. B. 82, Act 2.**

## PART F. TEMPORAL ACTS

## 1. GENERAL APPROPRIATIONS.

## Series F-255: ACT 232

An Act Making Appropriations Out of the General Revenues for the Biennial Period Ending June 30, 1955.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the following sums, or so much thereof as shall be sufficient to accomplish the purpose designated by the appropriations, are hereby appropriated for the biennial period beginning July 1, 1953 and ending June 30, 1955, out of monies in the treasury received from general revenues:

1. BOARD OF AGRICULTURE AND FORESTRY			
Division of Administration	\$	145,863	\$ 1,472,015
Division of Animal Industry (Proper)		194,554	
A. Personal Services	\$	164,578	
B. Other Current Expenses		23,437	
C. Equipment		739	
G. Awards and Indemnities		4,000	
M. Motor Vehicles		1,800	
Division of Animal Industry (Meat Inspection)			207,000
A. Personal Services		156,262	
B. Other Current Expenses		48,823	



C. Equipment	1,915	
This appropriation is made contingent upon the passage of Senate Bill No. 220 of this legislature relating to meat inspection. In the event that Senate Bill No. 220 is not passed, the sum of \$91,431 shall be deemed as an additional appropriation to the board of health, division of sanitation.		
[Note: Senate Bill No. 220 is now Act 246.]		
Division of Entomology and Marketing		339,546
A. Personal Services	296,749	
B. Other Current Expenses	38,327	
C. Equipment	870	
M. Motor Vehicles	3,600	
Division of Fish and Game		196,809
A. Personal Services	152,794	
B. Other Current Expenses	29,689	
C. Equipment	326	
M. Motor Vehicles	14,000	
Division of Forestry (Including the sum of \$15,000 to be expended for Gorse Control)		356,506
Division of Territorial Parks		31,737
A. Personal Services	27,335	
B. Other Current Expenses	4,402	
2. ATTORNEY GENERAL		425,864
Attorney General's Office		373,924
A. Personal Services	350,000	
B. Other Current Expenses	18,928	
C. Equipment	4,996	
Bureau of Crime Statistics		43,540
A. Personal Services	41,909	
B. Other Current Expenses	1,105	
C. Equipment	526	
Office of the High Sheriff		8,400
A. Personal Services	8,400	
3. AUDITING DEPARTMENT		384,124
Auditor's Office		350,364
A. Personal Services	315,929	
B. Other Current Expenses	34,385	
C. Equipment	50	
Provided that in the event Senate Bill No. 109 is not passed by this legislature, the sum of \$5,228 shall be added to the C account, altering		

# BIENNIAL APPROPRIATIONS

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the department appropriations as follows:

C. Equipment \$5,278,

Auditor's

Office \$355,592

AUDITING DE-

PARTMENT \$389,352.

[Note: Senate Bill No. 109 was pocket vetoed.]

Veterans, Hawaii Guard

1893-1898 ..... 4,760

B. Other Current Expenses ..... 600

F. Fixed Charges ..... 4,160

Permanent Pensions ..... 29,000

F. Fixed Charges ..... 29,000

## 4. BUREAU OF THE

BUDGET ..... 588,889

Bureau of the Budget Proper ..... 241,389

A. Personal Services ..... 216,840

B. Other Current Expenses ..... 21,209

C. Equipment ..... 3,340

Division of Supplies ..... 25,000

B. Other Current Expenses ..... 25,000

Insurance Management ..... 322,500

F. Fixed Charges ..... 322,500

**Provided** that in the event Senate Bill No. 109 is passed by this legislature there shall be added to the appropriation of the BUREAU OF THE BUDGET the sum of \$275,303 for the purpose of augmenting the appropriation of the BUREAU OF THE BUDGET. The total appropriation therefore for the BUREAU OF THE BUDGET would then be \$864,192.

[Note: Senate Bill No. 109 was pocket vetoed.]

## 5. CIVIL DEFENSE

AGENCY ..... 219,834

Territorial Civil Defense

Proper ..... 117,550

A. Personal Services ..... 36,600

B. Other Current Expenses ..... 65,000

C. Equipment ..... 15,950

Health Services ..... 71,060

A. Personal Services ..... 7,380

B. Other Current Expenses ..... 63,680

Matching Fund ..... 31,224

B. Other Current Expenses ..... 12,000

C. Equipment ..... 19,224

6. DEPARTMENT OF CIVIL SERVICE .....		234,331
A. Personal Services .....	196,180	
B. Other Current Expenses .....	33,586	
C. Equipment .....	4,565	
7. EMPLOYEES' RETIREMENT SYSTEM .....		5,449,610
A. Personal Services .....	200,425	
B. Other Current Expenses .....	28,493	
C. Equipment .....	2,996	
F. Fixed Charges .....	5,217,696	
8. EXECUTIVE DEPARTMENT .....		450,000
Governor's Office and Washington Place .....	200,000	
This appropriation shall be expended at the discretion of the governor.		
Governor's Contingent Fund .....	250,000	
Expenditures from this fund may be made with the approval of the governor for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise; a detailed account of all of which expenditures shall be submitted to the next legislature.		
9. HAWAII EMPLOYMENT RELATIONS BOARD .....		5,000
B. Other Current Expenses .....	5,000	
10. HAWAII HISTORICAL SITES COMMISSION .....		500
B. Other Current Expenses .....	500	
11. HAWAII SOIL CONSERVATION COMMITTEE .....		2,280
B. Other Current Expenses .....	2,280	
12. HAWAII VISITORS BUREAU .....		525,000
B. Other Current Expenses .....	525,000	
This appropriation shall be subject to the following terms and conditions:		
(a) The Hawaii Visitors Bureau shall include five members appointed by the governor, each to serve for a term of one		

year and until his successor is appointed. One member shall be appointed to represent the Territory at large, the others to represent each of the counties of Hawaii, Maui and Kauai and the city and county of Honolulu, upon nomination by the board of supervisors of the respective political subdivision in conjunction with the principal civic and commercial organizations thereof.

(b) This appropriation shall become available from time to time, upon warrants issued by the auditor of the Territory, in amounts equal to the private contributions then received by the bureau in cash and deposited to its credit in a bank. The monies thus made available, hereinafter referred to as "matching funds", shall be expendable only as provided in paragraphs (c) and (d).

(c) For every dollar contributed by a person or business organization doing business in the county of Hawaii, the bureau may spend at least an equal amount of the matching funds for advertising and promotional work in the Territory for the benefit of said county, and likewise in the case of contributions received from Maui and Kauai; **provided**, however, that not more than \$60,000 of matching funds shall be so used for the county of Hawaii, not more than \$50,000 for Maui and not more than \$40,000 for Kauai.

(d) Except as to the amounts expendable in the manner provided in paragraph (c), all matching funds shall be expended exclusively for display advertising in metropolitan newspapers and national magazines, exhibits and displays and radio or television broadcasts on the mainland United States and the Dominion of Canada, and, on a matching basis with contributions made by persons or organizations doing business therein, in any other foreign country; **provided**, however, that if, in the determination of the governor, tourist travel from the mainland United States to the Territory shall have been seriously curtailed as a result of war or otherwise, the executive committee of the bureau, within thirty days after receipt of notice of such determination, shall abandon its program of such mainland and foreign advertising, displays and broadcasts, except for such as it may be then firmly committed and shall submit to the governor a detailed plan of its proposed activities on a reduced basis for the period of such curtailment and, during such period, matching funds (other than the funds expendable under paragraph (c)), which shall not be affected, shall be expendable only for such purposes and in such amounts as the governor may approve, and any unexpended balance of matching

funds at the end of the biennium shall revert to the Territory and be paid back into the general fund; **provided**, further, that the sum of \$25,000 shall be expended for Aloha Week, such sum to be apportioned among the several counties, including the city and county of Honolulu, as follows:

City and county of Honolulu .....	20,000.00
County of Hawaii .....	2,000.00
County of Maui .....	2,000.00
County of Kauai .....	1,000.00.

(e) A detailed account of all expenditures of matching funds and all private contributions shall be submitted to the next legislature.

13. HAWAIIAN HOMES

COMMISSION .....	350,154
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Administration Account

A. Personal Services .....	313,695
B. Other Current Expenses .....	25,859
C. Equipment .....	4,000
M. Motor Vehicles .....	6,600

This item is not an appropriation of general revenues but constitutes the approval by the legislature of the Hawaiian Homes Commission budget for salaries and other administration expenses as provided by section 213, Hawaiian Homes Commission Act of 1920, as amended. This appropriation shall be financed by receipts from leases of available lands, as defined in section 204, estimated at \$550,000. This item is subject to the provisions of Senate Joint Resolution No. 95 of the Regular Session of 1953, in the event the same becomes law.

[Note: S. J. R. No. 95 was pocket vetoed.]

## 14. DEPARTMENT OF

HEALTH ..... 6,977,188

General Administration ..... 353,797

**Provided** that in the event that Senate Bill No. 109 is passed by this legislature the sum of \$40,000 from the appropriation for general administration shall be transferred to the department of finance and the total appropriation for the board of health shall be correspondingly reduced.

[Note: Senate Bill No. 109 was pocket vetoed.]

Division of Hospital and Medical Care ..... 2,334,146

A. Personal Services ..... 185,983

B. Other Current Expenses ..... 22,601

C. Equipment ..... 562

F. Fixed Charges ..... 2,125,000

Division of Dental Health ..... 32,109

A. Personal Services ..... 26,942

B. Other Current Expenses ..... 4,099

C. Equipment ..... 1,068

Division of Hansen's Disease ..... 1,096,866

General Office ..... 132,339

A. Personal Services ..... \$113,102

B. Other Current Expenses ..... 18,662

C. Equipment ..... 575

Hale Mohalu ..... 642,151

A. Personal Services ..... 299,138

B. Other Current Expenses ..... 323,949

C. Equipment ..... 7,184

F. Fixed Charges ..... 8,880

M. Motor Vehicles ..... 3,000

Kalaupapa ..... 1,322,376

A. Personal Services ..... 568,066

B. Other Current Expenses ..... 682,862

C. Equipment ..... 17,923

E. Structures and Permanent Improvements to Land ..... 10,000

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F. Fixed Charges . . . . .	36,150	
M. Motor Vehicles . . . . .	7,375	
		\$2,096,866
Less such federal funds as may be made available estimated at . . . . .	1,000,000	
Net Requirements . . . . .		1,096,866
<b>Provided</b> , that in the event no federal funds are provided during the biennium, the sum of \$2,096,866 is hereby appropriated and <b>provided</b> , further, that in the event an amount less than \$1,000,000 is provided by congress, then the difference between \$1,000,000 and the amount of the federal funds provided is hereby appropriated.		
Division of Local Health Services . . . . .		852,624
A. Personal Services . . . . .	773,218	
B. Other Current Expenses . . . . .	68,310	
C. Equipment . . . . .	3,096	
M. Motor Vehicles . . . . .	8,000	
Division of Preventive Medicine . . . . .		925,000
Division of Sanitation . . . . .		1,382,646
A. Personal Services . . . . .	1,250,675	
(Including the sum of \$14,000 for the positions of four rat trappers for Kauai for the year ending June 30, 1954).		
B. Other Current Expenses . . . . .	102,601	
B. Other Current Expenses Rat Control-Kona . . . . .	5,000	
C. Equipment . . . . .	8,370	
M. Motor Vehicles . . . . .	16,000	
15. DEPARTMENT OF INSTITUTIONS . . . . .		8,183,722
Office of the Director . . . . .		145,760
A. Personal Services . . . . .	134,710	
B. Other Current Expenses . . . . .	10,100	
C. Equipment . . . . .	950	
Territorial Hospital . . . . .		3,353,120
A. Personal Services . . . . .	2,114,606	
B. Other Current Expenses . . . . .	1,077,515	
B. Repairs to Buildings . . . . .	100,000	
C. Equipment . . . . .	48,999	
M. Motor Vehicles . . . . .	12,000	
Waimano Home . . . . .		1,747,682



A. Personal Services . . . . .	1,084,416	
B. Other Current Expenses (Including the sum of \$78,443 for the renovation and repair of existing buildings which amount shall not be deemed to be appropriated in the event that this legislature by any other act appropriates not less than the sum of \$500,000 for new buildings).	629,362	
C. Equipment . . . . .	24,404	
M. Motor Vehicles . . . . .	9,500	
Hawaii Prison System . . . . .		1,743,985
A. Personal Services . . . . .	902,541	
B. Other Current Expenses . . . . .	760,024	
C. Equipment . . . . .	17,420	
M. Motor Vehicles . . . . .	5,000	
E. Structures and Permanent Improvements to Land. Prisoner's Compensation . . . . .	17,000  32,000	
Transportation of Impecunious Persons . . . . .	10,000	
Division of Training Schools . . . . .		926,319
A. Personal Services . . . . .	659,110	
B. Other Current Expenses . . . . .	264,318	
C. Equipment . . . . .	2,891	
<b>Provided</b> that should the director of institutions determine that it is desirable to discontinue the Mauna Loa Forestry Camp, such staff transfers as may be necessary shall be subject to the approval of the director of the bureau of the budget.		
Board of Pardons and Pardons . . . . .		122,335
A. Personal Services . . . . .	106,630	
B. Other Current Expenses . . . . .	14,075	
C. Equipment . . . . .	1,630	
Division of Parole and Home Placement . . . . .		144,521
A. Personal Services . . . . .	120,494	
B. Other Current Expenses . . . . .	15,685	
B. Home Placements . . . . .	8,000	
C. Equipment . . . . .	342	

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## 16. INSTITUTIONS, QUASI-PUBLIC .....

7,815,485

### Kula Sanatorium —

#### Tuberculosis Division .....

1,091,286

A. Personal Services ..... 713,870

B. Other Current Expenses ..... 357,289

C. Equipment ..... 46,870

M. Motor Vehicles ..... 10,800

E. Structures and Permanent Improvements to

Land ..... 3,000

F. Bond and Interest ..... 24,160

F. Workmen's Compensation ..... 5,000

1,160,989

Less Receipts ..... 69,703

Net Requirements .... 1,091,286

#### Kula Sanatorium—General Hospital Division .....

26,979

A. Personal Services ..... 52,400

B. Other Current Expenses ..... 16,577

C. Equipment ..... 507

69,484

Less Receipts ..... 42,505

Net Requirements .... 26,979

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1953-1955; **provided**, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$112,208 for the biennium 1953-1955.

#### Leahi Hospital .....

3,902,489

A. Personal Services ..... 2,667,061

(Including the sum of \$161,000 for salary adjustments necessary to bring employees to the level of pay of the employees of Puumaile Tuberculosis Hospital, subject to the approval of the director of the budget bureau.

B. Other Current Expenses 1,258,428

C. Equipment .....	25,000	
	<hr/>	
	3,950,489	
Less Receipts .....	48,000	
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Net Requirements ....	3,902,489	
To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1953-1955; <b>provided</b> , however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$48,000 for the biennium 1953-1955.		
Molokai Community Hospital .....		97,908
A. Personal Services .....	177,372	
B. Other Current Expenses .....	101,021	
C. Equipment .....	4,000	
	<hr/>	
	282,393	
Less Receipts .....	184,485	
	<hr/>	
Net Requirements ..	97,908	
To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1953-1955; <b>provided</b> , however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$184,485 for the biennium 1953-1955.		
Puumaile and Hilo Memorial Hospital — Tuberculosis Division .....		1,105,825
A. Personal Services .....	861,975	
B. Other Current Expenses .....	263,250	
C. Equipment .....	15,000	
	<hr/>	
	1,140,225	
Less Receipts .....	34,400	
	<hr/>	
Net Requirements ..	1,105,825	
To supplement the estimated receipts to provide for the operations and maintenance of the		

division for the biennium 1953-1955; **provided**, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$34,400 for the biennium 1953-1955.

Samuel Mahelona Memorial Hospital .....		711,647
A. Personal Services .....	455,124	
B. Other Current Expenses .....	219,861	
C. Equipment .....	49,752	
M. Motor Vehicles .....	5,910	
E. Structures and Permanent Improvements to Land .....	7,000	
	<hr/>	
	737,647	
Less Receipts .....	26,000	
	<hr/>	
Net Requirements .....	711,647	
To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1953-1955; <b>provided</b> , however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$26,000 for the biennium 1953-1955.		
Lunalilo Home .....		80,000
F. Fixed Charges .....	80,000	
Kapiolani Maternity and Gynecological Hospital .....		36,135
Kauikeolani Children's Hospital .....		60,772
Kuakini Hospital .....		31,207
St. Francis Hospital .....		79,935
Queen's Hospital .....		140,707
Wahiawa General Hospital .....		50,917
G. N. Wilcox Memorial Hospital .....		43,253
Southshore Hospital .....		21,354
Kahuku Hospital .....		16,425
Waimea Hospital .....		18,068
Puumaile & Hilo Memorial Hospital — General Hospital Division .....		122,640
Honokaa Hospital .....		20,805
Kohala Hospital .....		26,280
Kona Hospital .....		22,995

Central Maui Memorial Hospital .....	78,840
Hana Hospital .....	12,593
Maunalani Hospital and Convalescent Home .....	16,425

The above appropriations for private and county hospitals shall be paid in quarterly installments at the rate of \$.75 per ward bed per day, whether occupied or not, but not exceeding said appropriations for the biennium; **provided**, however, that said installments shall not be paid unless and until (1) the auditor finds that the recipient has installed and is maintaining a uniform accounting system in conformity with accepted standards of the American Hospital Association, and (2) the recipient has filed with the auditor a statement of receipts and disbursements, in accordance with the system prescribed, for the quarter preceding the quarter for which the payment is made.

17. JUDICIAL DEPARTMENT.		2,068,077
Supreme Court .....	137,200	
A. Personal Services .....	86,211	
B. Other Current Expenses .....	5,682	
B. Other Current Expenses Procedure Rules Committee .....	5,000	
C. Equipment .....	14,938	
E. Publication of Hawaii Reports .....	25,369	
District Court of Kalawao .....	4,560	
A. Personal Services .....	4,560	
Land Court .....	38,973	
A. Personal Services .....	37,410	
B. Other Current Expenses .....	942	
C. Equipment .....	621	
First Circuit Court Proper .....	527,580	
A. Personal Services .....	419,944	
B. Other Current Expenses .....	91,105	
C. Equipment .....	16,531	
Adult Probation .....	114,268	

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A. Personal Services . . . . .	103,434	
B. Other Current Expenses . . . . .	10,060	
C. Equipment . . . . .	774	
First Circuit Court (Juvenile) . . . . .		624,252
Juvenile Court . . . . .	465,844	
A. Personal Services . . . . . \$401,720		
B. Other Current Expenses . . . . . 58,112		
C. Equipment . . . . . 6,012		
Juvenile Detention Home . . . . .	158,408	
A. Personal Services . . . . . 123,630		
B. Other Current Expenses . . . . . 32,363		
C. Equipment . . . . . 2,415		
Second Circuit Court . . . . .		221,297
A. Personal Services . . . . . 167,242		
B. Other Current Expenses . . . . . 42,105		
C. Equipment . . . . . 7,600		
M. Motor Vehicles . . . . . 4,350		
Third Circuit Court . . . . .		255,511
A. Personal Services . . . . . 170,383		
B. Other Current Expenses . . . . . 80,774		
C. Equipment . . . . . 4,354		
Fifth Circuit Court . . . . .		144,436
A. Personal Services . . . . . 108,366		
B. Other Current Expenses . . . . . 30,870		
C. Equipment . . . . . 3,200		
M. Motor Vehicles . . . . . 2,000		
18. DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS . . . . .		458,961
Department of Labor and Industrial Relations Proper . . . . .		354,409
A. Personal Services . . . . . 328,739		
B. Other Current Expenses . . . . . 24,818		
C. Equipment . . . . . 852		
Bureau of Workmen's Compensation . . . . .		104,552
19. LIBRARIES . . . . .		1,192,157
Library of Hawaii . . . . .		749,791
A. Personal Services . . . . . 557,600		
B. Other Current Expenses . . . . . 102,059		
C. Equipment . . . . . 90,132		
Hawaii County Library . . . . .		161,174
A. Personal Services . . . . . 120,529		
B. Other Current Expenses . . . . . 14,660		
C. Equipment . . . . . 23,185		
M. Motor Vehicles . . . . . 2,800		
Maui County Free Library . . . . .		139,821
A. Personal Services . . . . . 104,765		
B. Other Current Expenses . . . . . 11,353		
C. Equipment . . . . . 20,203		
M. Motor Vehicles . . . . . 3,500		

Kauai Public Library Association, Ltd. ....	141,371
A. Personal Services .....	122,418
B. Other Current Expenses .....	8,548
C. Equipment .....	10,405

## 20. MILITARY

DEPARTMENT .....	780,189
A. Personal Services .....	695,644
B. Other Current Expenses .....	232,610
C. Equipment .....	8,374
M. Motor Vehicles .....	1,652

	938,280
Less Revenues .....	158,091

Net Requirements .....	780,189
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In the event that the Hawaii National Guard and the Hawaii Air National Guard should be called or ordered into the service of the United States, the foregoing appropriation or any part thereof remaining unexpended shall be available for expenditure for the Hawaii Territorial Guard. In the event that only a portion of the Hawaii National Guard or the Hawaii Air National Guard should be called or ordered into the service of the United States, the adjutant general with the approval of the director of the budget shall allocate the foregoing appropriation or any part thereof remaining unexpended between the Hawaii Territorial Guard and the Hawaii National Guard. All monies received by the military department as reimbursement under service contracts with the federal government shall be deposited to the account of the military department and expended by it for personal services and other current expenses in maintaining

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the facilities covered by  
such service contracts.

21. PUBLIC ARCHIVES .....		231,527
A. Personal Services ..	87,182	
B. Other Current Expenses	6,870	
C. Equipment .....	137,475	

22. DEPARTMENT OF PUBLIC INSTRUCTION ..		32,963,637
Central Office Activities ...	1,547,193	
District Office .....	457,501	

A. Personal Services .....	410,730	
B. Other Current Expenses	33,615	
C. Equipment .....	13,156	
Schools .....		29,961,865

A. Personal Services .....	28,978,978	
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(Including \$96,640 for  
ten (10) qualified reme-  
dial teachers during the  
school year 1953-54 and  
ten (10) additional  
qualified remedial  
teachers during the  
school year 1954-55.  
The department shall  
maintain as closely as  
possible a pupil-teacher  
ratio of not less than 33  
pupils per teacher, ex-  
cept that these ratios  
shall not apply to pre-  
schools or kinder-  
gartens.)

B. Other Current Expenses	519,094	
C. Equipment .....	454,928	
M. Motor Vehicles .....	8,865	
Pre-schools (Kindergartens)		997,078
A. Personal Services .....	1,340,096	
B. Other Current Expenses	22,124	
C. Equipment .....	14,858	

	1,377,078	
Less Receipts .....	380,000	

Net Requirements ..	997,078	
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The foregoing receipts  
of \$380,000 shall be  
realized from a fee of  
not more than \$3 per  
month or \$15 per semes-  
ter which shall be  
charged each child en-  
rolled in pre-schools or  
kindergartens.

23. DEPARTMENT OF PUBLIC LANDS .....		807,354
Land Office .....	271,943	



A. Personal Services .....	236,847	
B. Other Current Expenses .....	25,800	
C. Equipment .....	3,296	
M. Motor Vehicles .....	6,000	
Bureau of Conveyances .....		371,442
A. Personal Services .....	317,870	
B. Other Current Expenses .....	42,832	
C. Equipment .....	10,740	
Division of Hydrography .....		163,969
A. Personal Services .....	50,570	
B. Other Current Expenses .....	20,280	
C. Equipment .....	300	
M. Motor Vehicles .....	2,000	
G. Rights and Obligations .....	90,819	
24. DEPARTMENT OF PUBLIC WELFARE .....		7,551,332
A. Personal Services .....	1,284,844	
B. Other Current Expenses .....	121,692	
C. Equipment .....	5,000	
M. Motor Vehicles .....	12,617	
F. Fixed Charges .....		
General Assistance .....	1,000,000	
Aid to the Disabled .....	482,325	
Old Age Assistance .....	550,989	
Aid to Dependent Children .....	3,103,848	
Aid to the Blind .....	41,568	
Child Welfare Services .....	948,449	
It is provided that the wage rate used to calculate the number of working hours that recipients of general assistance have to render in the form of service to the government, pursuant to the provisions of Act 291, Session Laws of Hawaii 1951, shall not exceed sixty-five cents (65¢) per hour.		
25. DEPARTMENT OF PUBLIC WORKS .....		1,227,687
Office of the Superintendent .....		104,163
A. Personal Services .....	98,543	
B. Other Current Expenses .....	5,620	
Maintenance, Repairs, Additions and Improvements to Buildings, Grounds and Government Property .....		1,120,044
A. Personal Services .....	558,815	
B. Other Current Expenses .....	557,517	
C. Equipment .....	3,712	
Maintenance of Government Cemeteries .....		3,480
A. Personal Services .....	3,480	

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26. SECRETARY OF HAWAII.		239,641
Secretary's Office .....	38,751	
A. Personal Services .....	35,801	
B. Other Current Expenses .....	2,950	
Expenses of Elections .....	103,964	
A. Personal Services .....	53,360	
B. Other Current Expenses .....	28,703	
C. Equipment .....	21,901	
Hawaiian Birth Registration .....	33,390	
A. Personal Services .....	33,390	
Publication Session Laws of Hawaii .....	63,536	
A. Personal Services .....	10,600	
B. Other Current Expenses .....	52,936	
27. BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND .....		277,593
A. Personal Services .....	233,634	
B. Other Current Expenses .....	23,268	
C. Equipment .....	1,640	
F. Fixed Charges .....	19,051	
28. OFFICE OF THE SURVEYOR .....		319,034
A. Personal Services .....	297,920	
B. Other Current Expenses .....	18,035	
C. Equipment .....	3,079	
29. DEPARTMENT OF THE TAX COMMISSIONER ...		2,464,919
First Taxation Division .....	1,736,949	
A. Personal Services .....	1,555,107	
B. Other Current Expenses .....	142,704	
C. Equipment .....	29,251	
M. Motor Vehicles .....	9,887	
Second Taxation Division .....	224,039	
A. Personal Services .....	205,515	
B. Other Current Expenses .....	12,154	
C. Equipment .....	1,759	
M. Motor Vehicles .....	4,611	
Third Taxation Division .....	363,458	
A. Personal Services .....	322,424	
B. Other Current Expenses .....	28,802	
C. Equipment .....	10,154	
M. Motor Vehicles .....	2,078	
Fourth Taxation Division .....	140,473	
A. Personal Services .....	128,710	
B. Other Current Expenses .....	7,810	
C. Equipment .....	1,638	
M. Motor Vehicles .....	2,315	
30. TREASURY DEPARTMENT .....		7,444,202
Treasurer's Office .....	133,645	
A. Personal Services .....	120,830	
B. Other Current Expenses .....	11,370	
C. Equipment .....	1,445	

Deputy Bank Examiner . . . .		146,105
A. Personal Services . . . .	132,530	
B. Other Current Expenses . .	12,915	
C. Equipment . . . . .	660	
Fire Marshal . . . . .		48,304
A. Personal Services . . . .	35,890	
B. Other Current Expenses . .	11,045	
C. Equipment . . . . .	1,369	
Insurance Bureau . . . . .		132,026
A. Personal Services . . . .	114,782	
B. Other Current Expenses . .	14,944	
C. Equipment . . . . .	2,300	
Public Debt Service . . . . .		28,680
B. Other Current Expenses . .	28,680	
Bonded Debt . . . . .		6,955,442
F. Interest on Bonded Debt . .	1,606,442	
F. Retirement of Bonded Debt . . . . .	5,349,000	
31. UNIVERSITY OF HAWAII . . . . .		5,149,103
Administration and General Expenses . . . . .		533,985
A. Personal Services . . . .	554,723	
B. Other Current Expenses . .	204,237	
C. Equipment . . . . .	6,244	
	765,204	
Less Special Fund Revenues . . . . .	231,219	
	533,985	
Instruction—Resident . . . . .		1,689,497
A. Personal Services . . . .	3,191,027	
B. Other Current Expenses . .	219,870	
C. Equipment . . . . .	55,097	
	3,465,994	
Less Special Fund Revenues . . . . .	1,776,497	
	1,689,497	
Instruction—Hilo Branch . . . . .		50,184
A. Personal Services . . . .	50,184	
B. Other Current Expenses . .	10,500	
	60,684	
Less Special Fund Revenues . . . . .	10,500	
	50,184	
(In the event such special fund revenues exceed the sum of \$10,500, such excess shall be expended for the purpose of the University of Hawaii, Hilo Branch.)		

# BIENNIAL APPROPRIATIONS

Sr. F-255

Instruction—Extension		
Division .....		44,922
A. Personal Services .....	287,936	
B. Other Current Expenses .....	17,425	
C. Equipment .....	3,525	
	<hr/>	
	308,886	
Less Special Fund		
Revenues .....	263,964	
	<hr/>	
	44,922	
Experiment Station .....		943,688
A. Personal Services .....	1,063,920	
B. Other Current Expenses .....	265,530	
C. Equipment .....	23,446	
M. Motor Vehicles .....	11,070	
E. Structures and Permanent Improvements to Land .....	20,000	
	<hr/>	
Sub-total .....	1,383,966	
	<hr/>	
Less Special Fund		
Revenues .....	147,010	
Less Federal Fund		
Revenues .....	293,268	
	<hr/>	
	440,278	
	<hr/>	
	943,688	
Miscellaneous Research ...		174,749
A. Personal Services .....	172,349	
B. Other Current Expenses .....	31,075	
C. Equipment .....	3,325	
	<hr/>	
	206,749	
Less Federal Fund		
Revenues .....	32,000	
	<hr/>	
	174,749	
Legislative Reference		
Bureau .....		86,686
A. Personal Services .....	78,446	
B. Other Current Expenses .....	6,150	
C. Equipment .....	2,090	
Agricultural Extension		
Service .....		661,975
A. Personal Services .....	867,329	
B. Other Current Expenses .....	179,989	
C. Equipment .....	880	
M. Motor Vehicles .....	5,000	
	<hr/>	
	1,053,198	
Less Federal Fund		
Revenues .....	391,223	
	<hr/>	
	661,975	
Library .....		217,407

A. Personal Services .....	234,407	
B. Other Current Expenses .....	7,750	
C. Equipment .....	111,350	
	<hr/>	
	353,507	
Less Special Fund		
Revenues .....	136,100	
	<hr/>	
	217,407	
Psychological Clinic .....		115,492
A. Personal Services .....	105,542	
B. Other Current Expenses .....	9,350	
C. Equipment .....	600	
Operation and Maintenance		
of Plant .....		521,409
A. Personal Services .....	390,809	
B. Other Current Expenses .....	354,440	
C. Equipment .....	20,600	
M. Motor Vehicles .....	10,000	
	<hr/>	
	775,849	
Less Special Fund		
Revenues .....	254,440	
	<hr/>	
	521,409	
(Including the sum of \$244,100 for maintenance and repairs of existing permanent im- ments as listed on Schedule A-Form 6 of Governor's Budget.)		
Plant Additions .....		49,395
E. Structures and Perma- nent Improvements to Land .....	49,395	
Aquarium .....		59,714
Operating Requirements .....	85,714	
Less Special Fund		
Revenues .....	26,000	
	<hr/>	
	59,714	

The amount of the ap-  
propriation necessary to  
match allotments made  
by the federal govern-  
ment for extension work  
shall be payable to the  
University of Hawaii in  
total, by single warrant,  
or by several warrants,  
representing periodical  
allotments. **Provided,**  
however, that disburse-  
ments matching federal  
allotments may be reg-  
ularly audited by the  
federal auditor and shall

be subject to the same limitations as respects the character of expenditures of the federal funds which it offsets. Any other law to the contrary notwithstanding, no portion of the funds appropriated by this Act for the University of Hawaii, or collected or received by the University from its students or from the United States, or of any other funds under the control of its board of regents, shall be expendable for the reimbursements of the Territory for the amount payable by the Territory to cover the liability of the Territory to the various funds of the employees' retirement system on account of the employees of the University, nor shall any law providing for such reimbursement be deemed applicable to the University.

32. COUNCIL ON VETERANS AFFAIRS .....		84,900
A. Personal Services .....	73,600	
B. Other Current Expenses .....	11,000	
C. Equipment .....	300	
33. COMMISSION ON SUBVERSIVE ACTIVITIES ...		20,000
A. Personal Services .....	15,200	
B. Other Current Expenses .....	4,400	
C. Equipment .....	400	
34. COMMISSION ON CHILDREN AND YOUTH ..		6,781
B. Other Current Expenses .....	5,743	
C. Equipment .....	1,038	
TOTAL OF OPERATING BUDGET .....		96,371,090
Less estimated savings to be expected under provisions of sections 3 and 4 of this Act .....		3,000,000
TOTAL OF NET OPERATING BUDGET ...		\$93,371,090
		475

SECTION 2. Within ninety days after this Act takes effect, the head of each department, with the approval of the director of the bureau of the budget, shall make the initial allocation of funds herein appropriated for such department for each of the two fiscal years of the biennium. In the event of a disagreement between the department head and the director, the governor shall make the initial allocation. Changes and transfers in allocation of appropriations as to programs, organizational units and characters of expenditures within each fiscal year may be made by the head of the department with the approval of the director of the bureau of the budget. The head of the department may, with the approval of the director of the bureau of the budget, transfer funds allocated to the second fiscal year to the first fiscal year to meet emergencies. Any unexpended balance of funds allocated for expenditure during the first fiscal year of the biennium shall be transferred into the governor's contingent fund at the end of the said fiscal year and shall then be expendable for any of the purposes of said fund.

For the purposes of this Act, the term "department" shall include any department, board, bureau, commission, agency, office or institution for which an appropriation is made herein.

SECTION 3. No vacancy in any department shall be filled except with the approval of the governor; **provided**, however, that this limitation shall not apply to any private or quasi-private institutions other than tuberculosis hospitals.

SECTION 4. The legislature hereby declares that, except as hereinafter stated, moneys appropriated for expenditures for which federal matching funds heretofore have been available are to be expended only if such federal matching funds continue to be available, and in the event of any decrease in the anticipated federal matching funds (whether as a result of a change in the federal law, regulations, administrative determinations, fiscal policies, or otherwise) the corresponding territorial appropriation shall be decreased in such amount as, but for such federal decrease, would have been used as territorial matching funds.

Nothing in this section shall be deemed to apply: (a) to the division of Hansen's disease in the department of health; or (b) in the event the governor, upon the recommendation of the director of the bureau of the budget, shall waive the provisions of this section.

SECTION 5. This Act shall take effect from and after July 1, 1953.

(Approved June 12, 1953.) **H. B. 400, Act 232.**

## DEFICIENCY APPROPRIATION BILL.

## Series F-256: ACT 3

An Act Making Supplementary Appropriations Out of the General Revenues to Cover Certain Deficiencies in Territorial Departments for the Biennial Period Ending June 30, 1953.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the following sums or so much thereof as may be necessary, are hereby appropriated for objects and purposes hereinafter specified, in addition to any appropriations made for the same or similar purposes by another act, out of moneys in the treasury received from general revenues:

## ATTORNEY GENERAL

## Attorney General

A. Personal services .....\$ 10,000.00

## DEPARTMENT OF CIVIL SERVICE

## Department of Civil Service

a. Personal services .....\$ 11,654.00

## EMPLOYEES' RETIREMENT SYSTEM

## Employees' Retirement System

F. Fixed charges .....\$ 279,373.00  
 Contribution to annuity  
 savings fund on account of  
 personnel on military leave.\$ 25,000.00  
 Minimum pensions ..... 3,200.00  
 contribution pension  
 accumulation fund ..... 251,173.00

Total: Employees' Retirement System.....\$ 279,373.00

## EXECUTIVE DEPARTMENT

Executive Department .....\$ 20,000.00

## INSTITUTIONS, QUASI-PUBLIC

## Kula Sanatorium

F. Fixed charges .....\$ 52,487.00

## Puumaile and Hilo Memorial Hospitals

## Tuberculosis Hospital

F. Fixed charges ..... 37,028.00



Samuel Mahelona Memorial Hospital	
F. Fixed charges .....	132,512.00
Total: Institutions, Quasi-Public.....	<u>\$ 222,027.00</u>

## JUDICIAL DEPARTMENT

Supreme Court .....	\$ 9,663.00
A. Personal services .....	\$ 4,893.00
B. Other current expenses....	<u>4,770.00</u>
Land Court .....	5,673.00
A. Personal services .....	<u>5,673.00</u>
First Circuit Court.....	39,804.00
A. Personal services .....	14,426.00
B. Other current expenses....	22,033.00
C. Equipment .....	<u>3,345.00</u>
Second Circuit Court.....	13,979.00
A. Personal services .....	2,080.00
B. Other current expenses....	<u>11,899.00</u>
Total: Judicial Department .....	<u>\$ 69,119.00</u>

## DEPARTMENT OF PUBLIC WELFARE

Department of Public Welfare	
F. Fixed charges .....	\$ 810,374.00
<b>Provided</b> that the wage rate used to calculate the number of working hours that recipients of general assistance have to render in the form of service to the government, pursuant to the provisions of Act 291, S. L. Hawaii 1951, shall not exceed sixty-five (65) cents per hour.	
Total: Department of Public Welfare.....	<u>\$ 810,374.00</u>

## DEPARTMENT OF PUBLIC WORKS

Department of Public Works	
B. Other current expenses.....	59,143.00

Repairs and equipment	
Washington Place .....	\$ 37,143.00
Repairs Hulihee Palace....	12,000.00
Alterations to Attorney	
General's Office on Palace	
Grounds .....	10,000.00

Total: Department of Public Works.....	\$ 59,143.00
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SECRETARY OF HAWAII

Secretary of Hawaii

Publication of Session Laws of Hawaii....	\$ 5,040.43
A. Personal services .....	\$ 2,450.00
B. Other current expenses....	2,590.43

Total: Secretary of Hawaii.....	\$ 5,040.43
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BONUS FOR PENSIONERS, ACT 247, S.L.H. 1951

Bonus for Pensioners

F. Fixed charges .....	\$ 64,573.00
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Grand Total .....	\$1,551,303.43
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SECTION 2. All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1953 shall be lapsed into the general fund of the Territory.

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 6, 1953.) **H. B. 401, Act 3.**

EXPENSES OF LEGISLATURE.

Series F-257: ACT 1

An Act to Appropriate Money for the Expenses of the Legislature of the Territory of Hawaii and of Any Holdover Committee or Committees Thereof for the Periods Herein Specified.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated from the public treasury the sum of two hundred fifty thousand dollars (\$250,000.00) or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the

Twenty-Seventh Legislature of the Territory of Hawaii for the period commencing February 18, 1953, and ending November 1, 1954.

SECTION 2. Any unencumbered balance of the appropriation provided for in Section 1 remaining at the close of the Regular Session of 1953 is hereby appropriated for the purpose of defraying the expenses of any holdover committee or committees established by the Senate.

SECTION 3. There is hereby appropriated from the public treasury the sum of two hundred seventy-five thousand dollars (\$275,000.00) or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of Representatives of the Twenty-Seventh Legislature of the Territory of Hawaii for the period commencing February 18, 1953, and ending November 1, 1954.

SECTION 4. Any unencumbered balance of the appropriation provided for in Section 3 remaining at the close of the Regular Session of 1953 is hereby appropriated for the purpose of defraying the expenses of any holdover committee or committees established by the House.

SECTION 5. The auditor of the Territory of Hawaii shall, prior to the convening of the Twenty-Eighth Legislature, audit the accounts of the Senate and the House of Representatives of the sessions of the Twenty-Seventh Legislature of the Territory of Hawaii.

Immediately upon the completion of the audit, a full report thereon shall be presented to the Senate and to the House of Representatives of the sessions of the Twenty-Eighth Legislature of the Territory of Hawaii.

SECTION 6. The expenses of any member of the Legislature while traveling abroad on official business of the legislature, shall not be limited by the provisions of Section 455 of the Revised Laws of Hawaii 1945 or any other general statute. The expenses of such member shall be such as may be allowed by the Senate or by the House of Representatives, respectively, as to members of said Senate or of said House of Representatives.

SECTION 7. Each section of this Act is hereby declared to be severable from the remainder of said Act.

SECTION 8. This Act shall take effect upon its approval.

(Approved February 27, 1953.) **S. B. 1, Act 1.**

REIMBURSING CITY AND COUNTY OF HONOLULU  
FOR SEWER AND DRAINAGE IMPROVEMENTS.

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Series F-258: ACT 220

An Act Appropriating the Sum of Eleven Thousand Nine Hundred Thirty-Eight Dollars and Thirty-Two Cents (\$11,938.32) to Reimburse the City and County of Honolulu for the Cost of Sewer and Drainage Improvements in Improvement Districts 77, 82 and 92 in the District of Honolulu.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of eleven thousand nine hundred thirty-eight dollars and thirty-two cents (\$11,938.32) is hereby appropriated out of the general fund of the Territory of Hawaii, not otherwise appropriated, to reimburse the city and county of Honolulu for payments made by it as assessments on public lands under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended, for sewer and drainage improvements constructed within improvement districts No. 77 (Lot 26, Nuuanu Valley Relief Sewer, section 1); No. 82 (Lot 165, Date Street-Kapahulu Sewers, section 2) and No. 92 (Lots 189 to 199, Kalihi-Beckley Sewerage District); all in the district of Honolulu.

SECTION 2. That the said sum of eleven thousand nine hundred thirty-eight dollars and thirty-two cents (\$11,938.32), hereby appropriated, shall be paid to the treasurer of the city and county of Honolulu by the treasurer of the Territory of Hawaii, when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 10, 1953.) **S. B. 258, Act 220.**

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Series F-259: ACT 219

An Act Appropriating the Sum of Nine Thousand Five Hundred Fifty-Three Dollars and Fifty-Nine Cents (\$9,553.59) to Reimburse the City and County of Honolulu for the Cost of Sewerage and Drainage Improvements in Improvement District No. 70, (Lots 605 to 608), Woodlawn Sewerage and Drainage Improvement District, in the District of Honolulu.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of nine thousand five hundred fifty-three dollars and fifty-nine cents (\$9,553.59) is hereby appropriated out of the general fund of the Territory of Hawaii, not otherwise appropriated, to reimburse the city and county of Honolulu for payments made by it as assessments on land owned by the Lin Yee Chung Society under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended by Act 172 (Series A-111), Session Laws of Hawaii 1951, for sewerage and drainage improvements constructed within improvement district No. 70, (Lots 605 to 608), Woodlawn sewerage and drainage improvement district, in the district of Honolulu.

SECTION 2. That the said sum of nine thousand five hundred fifty-three dollars and fifty-nine cents (\$9,553.59), hereby appropriated, shall be paid to the treasurer of the city and county of Honolulu by the treasurer of the Territory of Hawaii, when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 10, 1953.) S. B. 257, Act 219.

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**Series F-260: ACT 218**

An Act Appropriating the Sum of Nine Thousand Nine Hundred Thirty-Five Dollars and Thirty-Two Cents (\$9,935.32) to Reimburse the City and County of Honolulu for the Cost of Improvements in Improvement District Number 83, McCully Tract, in the District of Honolulu.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of nine thousand nine hundred thirty-five dollars and thirty-two cents (\$9,935.32) is hereby appropriated out of the general fund of the Territory of Hawaii, not otherwise appropriated, to reimburse the city and county of Honolulu for payments made by it as an assessment on public lands for general improvements constructed in improvement district number 83, McCully Tract, in the district of Honolulu.

SECTION 2. That the said sum of nine thousand nine hundred thirty-five dollars and thirty-two cents (\$9,935.32), hereby appropriated, shall be paid to the treasurer of the

city and county of Honolulu by the treasurer of the Territory of Hawaii, when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 10, 1953.) **S. B. 256, Act 218.**

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**APPROPRIATIONS RELATING TO HAWAII.**

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**Series F-261: ACT 123**

An Act Providing for Certain Improvements at Keauhou Bay; Amending Item 27 of Act 321 (Series E-268) of the Session Laws of Hawaii 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of twenty thousand dollars appropriated by Item 27 of Act 321, Session Laws of Hawaii 1951, to the county of Hawaii for construction of a wharf shed at Keauhou Bay, North Kona, Hawaii, is hereby reappropriated to be used for improving and expanding wharf facilities, dredging of Keauhou Bay, and other improvements at Keauhou Bay, North Kona, Hawaii, by the board of harbor commissioners.

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 21, 1953.) **H. B. 19, Act 123.**

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**Series F-262: ACT 104**

An Act Making Available an Appropriation from the General Revenue of the Territory for the Claim of Gilbert D. Kobatake, Contractor, Relating to Additional Compensation for Work Performed on Hawaii Belt Road Lava Flow Damage Rehabilitation Project No. E. R.-2(1), District of South Kona, Island of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of any moneys in the treasury received from general revenues the sum of forty thousand dollars (\$40,000.00) to be expended as herein provided.

SECTION 2. The amount appropriated or as much thereof as may be necessary, shall become available only after it has been determined by a court of competent jurisdiction that the Territory of Hawaii is liable for alleged additional compensation for work performed by Gilbert D. Kobatake, contractor, in carrying out the terms of a contract entered into by him with the territorial highway engineer of the Territory of Hawaii, for construction on the Hawaii Belt Road, lava flow damage, rehabilitation project No. E. R.-2(1), district of South Kona, island of Hawaii.

SECTION 3. For the purposes of this Act and adjudication of said claim, the immunity of the Territory to suit and existing statute of limitations is hereby waived and suit on any such claim is expressly authorized and said Gilbert D. Kobatake may proceed against the Territory as in the case of any other defendant, subject to the same procedures and defenses except for the defense of immunity from suit; **provided** that nothing contained herein shall be construed as an admission of liability on the part of the Territory; **provided** further however, that nothing herein contained shall prohibit or prevent the territorial highway engineer from settling said claim with said Gilbert D. Kobatake.

SECTION 4. For the purposes of this Act and adjudication of said claim, the receipt of any sums of money by Gilbert D. Kobatake in payment of the contract hereinabove mentioned, or of any specific item therein contained, shall not constitute a waiver or forfeiture of his right to an adjudication of said claim by suit against the Territory of Hawaii.

SECTION 5. There is hereby submitted to the circuit court of the Territory of Hawaii for determination the claim of said Gilbert D. Kobatake, contractor, for additional compensation for alleged work performed by him in carrying out the terms of said contract.

SECTION 6. The claimant shall commence any action or suit in the circuit court of the Territory of Hawaii within two years from the effective date of this Act.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 19, 1953.) **S. B. 709, Act 104.**

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**Series F-263: ACT 135**

An Act Relating to Territorial Harbor  
Board Improvements at Kawaihae, County of Hawaii  
and the Financing Thereof by the Issuance of Bonds.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated the sum of \$300,000.00 or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated, for the dredging of channel and turning basin for use in connection with terminal facilities at Kawaihae Harbor, Kawaihae, county of Hawaii; including, but without limit the generality of the foregoing, acquisition of land and rights of way, survey, design work, plans, dredging channel and dredging turning basin, and other necessary expenses.

SECTION 2. The moneys appropriated hereby shall be expended and the said work herein provided for shall be initiated, constructed and carried out by the board of harbor commissioners. Funds from the harbor board reserve fund may be advanced to cover work necessary in preparing plans and specifications or the purchase of rights of way and acquisition of property needed for this project.

From the funds collected each year by the board of harbor commissioners, there are appropriated annually, beginning with the year 1953, such amounts as are necessary to meet the charges for the territorial bonds issued under the provisions of this Act, to wit: the interest, and payments of principal on the serial bonds maturing each year following as herein provided for to be issued.

SECTION 3. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction or development of the said terminal authorized by this Act or Act 95, Session Laws of Hawaii 1947, the said board of harbor commissioners shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and to and perform such other acts and things as may be necessary or be required by such Acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such terminal.



Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory or to the said board of harbor commissioners for the construction, in whole or in part, of the said terminal authorized under this Act or Act 95, Session Laws of Hawaii 1947, or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 4. In the event the United States government makes funds available to defray the construction cost of duplicate terminal facilities, such sum of money shall be paid into the treasurer of the Territory as reimbursement for the amount appropriated in section 1 of this Act.

SECTION 5. In addition to the sum of money appropriated in section 1 hereof, there are hereby authorized to be issued by the board of harbor commissioners as provided by Part IV of chapter 115 of the Revised Laws of Hawaii 1945 revenue bonds in the amount of \$200,000.00, payable from the revenues of the board of harbor commissioners, for the use and purpose hereinafter set forth and for which purpose the proceeds of sale of said bonds are hereby appropriated, that is:

For the acquisition of rights of way and fill area and for the construction of road facilities, wharves and shed and other necessary expenses in connection with terminal facilities at Kawaihae Harbor, Kawaihae, county of Hawaii.....	\$200,000.00
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The public undertaking the revenues of which are hereby charged with the payment of the principal and interest of said bonds is hereby designated as follows, to wit: All of the harbor and waterfront improvements and other properties under the jurisdiction, control, and management of the board of harbor commissioners, except such as are principally used for recreation or the landing of fish but such exception shall not apply to the properties under the jurisdiction, control and management of said board at Kewalo Basin, ewa of Ala Moana Park, Honolulu.

SECTION 6. The board of harbor commissioners, from the harbor board reserve fund, is hereby authorized to advance and to pay the costs of the issuance of the bonds authorized by this Act, and other preliminary expenses, including plans, surveys, and appraisals, for the harbor and waterfront improvements authorized by this Act. The board of harbor commissioners is also further authorized to pay all or part of the cost of work provided for under section 5 hereof out of any reserve funds it may have on hand and not needed for other purposes.

SECTION 7. The provisions of this Act shall be taken to supplement, but not supersede the provisions of Act 95, Session Laws of Hawaii 1947.

SECTION 8. This Act shall take effect upon approval.  
(Approved May 28, 1953.) **S. B. 516, Act 135.**

**Series F-264: ACT 194**

An Act Amending Item 39 of Act 321, Session Laws of Hawaii 1951.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Item 39 of Act 321, Session Laws of Hawaii 1951, is hereby amended to read as follows:

Approach road to Kulani from Hilo.....\$53,000.  
[L. 1953, c. 194, s. 1.]

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 5, 1953.) **H. B. 1138, Act 194.**

**Series F-265: ACT 205**

An Act Relating to Public Improvements and Authorizing the Issuance of County Bonds for the County of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The county of Hawaii is hereby authorized to issue bonds of such county in the amounts required to accomplish the objects hereinafter set forth in this section and the said amounts are hereby appropriated for such projects, as follows:

- (1) Acquisition of land, plans and specifications, and for the construction of a new county office building at Hilo, county of Hawaii ..... \$300,000.00
- (2) Construction and relocation of public buildings, including gymnasiums and hospitals ..... 600,000.00
- (3) Acquisition of land, planning and construction of school buildings..... 500,000.00
- (4) Parks, playgrounds and recreational development ..... 300,000.00.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 5, 1953.) **H. B. 1127, Act 205.**

### Series F-266: ACT 15

An Act Amending Act 386, Session Laws of Hawaii 1949, Appropriating Moneys by Way of Advancement From the General Fund of the Territory to be Repaid Out of the Proceeds of the Sale of Public Lands in the County of Hawaii for Construction, Pavement and Improvement of Homestead Roads, County of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 386, Session Laws of Hawaii 1949, is hereby amended by deleting the fourth paragraph thereof and substituting therefor the following:

"Hamakua:

Road to be constructed and paved from  
main highway at Grant 5174 towards Grant  
4923 .....\$ 20,000.00"

SECTION 2. This Act shall take effect upon its approval.

(Approved April 20, 1953.) **S. B. 418, Act 15.**

### Series F-267: ACT 243

An Act to Amend Act 401 (Series E-325) of the Session Laws of Hawaii 1949, Relating to Appropriations for Public Improvements, Providing for the Issuance of Public Improvement Bonds and Providing for Public Improvements in the County of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9 of Act 401 (Series E-325) of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

(1) By amending "water systems.....\$500,000.00" appearing under county of Hawaii thereof to read:

"water systems .....\$300,000.00"

(2) By deleting "addition and alterations to Hilo Armory .....\$50,000.00" appearing under county of Hawaii thereof.

(3) By amending "flood control.....\$35,736.00" appearing under county of Hawaii thereof to read:

"flood control .....\$285,736.00"

[L. 1953, c. 243, s. 1.]

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **H. B. 1125, Act 243.**

## APPROPRIATIONS RELATING TO MAUI.

### **Series F-268: ACT 224**

An Act Making an Appropriation for the Replacement of the Kawaikau Taro Irrigation Flume Across the Junction of the Palahulu and Piinaau Streams, County of Maui.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of ten thousand dollars (\$10,000.00) for the replacement of the Kawaikau taro irrigation flume by the construction of a permanent storm-proof flume across the junction of the Palahulu and Piinaau streams, serving homesteads and kuleanas at Keanae, county of Maui.

SECTION 2. The moneys appropriated by this Act shall be paid into the treasury of the county of Maui when and as required for expenditure, such moneys to be held in the territorial treasury until payment thereof into the county treasury is requested by resolution of the board of supervisors of the county of Maui. All such funds when paid into the county treasury shall be held for the purpose stated in

this Act and no expenditure thereof shall be made without the approval of the board of supervisors.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **H. B. 305, Act 224.**

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## HAWAII STATEHOOD.

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### Series F-269: ACT 240

An Act Making an Appropriation for the Purposes of Act 365 of the Session Laws of 1949, Relating to Statehood for Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of one hundred thousand dollars (\$100,000.00) to be expendable in the manner and for the same purposes as the appropriation made by Act 365 of the Session Laws of 1949. The appropriation hereby made shall be in addition to the appropriation made by said Act 365 of the Session Laws of 1949 and Act 70 of the Session Laws of 1951 or any other appropriation made for the same or similar purposes. Upon the admission of Hawaii to statehood and the inauguration of the state government, all unexpended and unencumbered balances of this and all prior appropriations for the Hawaii Statehood Commission shall lapse.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **H. B. 970, Act 240.**

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## INDUSTRIAL RESEARCH.

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### Series F-270: ACT 202

An Act Relating to the Powers and Functions of the Industrial Research Advisory Council and Making an Appropriation Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 1314.02]. SECTION 1. [Appropriation.] There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of \$255,000.00 to

be used and expended by the industrial research advisory council for the purposes and subject to the terms of Act 122, Session Laws of Hawaii 1949, as amended by Act 217, Session Laws of Hawaii 1951, in addition to any other sums heretofore or hereafter appropriated for the same or a similar purpose; **provided**, however, that the council shall not allocate from the amount herein appropriated sums totaling more than the following amounts for the following purposes:

- |  |                      |
|--|----------------------|
| (1) For expenses of administration including expenditures for personal services, other current expenses, and equipment, or contracts therefor, necessary to make preliminary investigations to determine the worthiness and feasibility of application for or allocations of grants and to maintain a constant check over the expenditure of funds allocated ..... | \$ 30,000.00         |
| (2) For extension of Hawaiian handicraft survey and continued support and assistance of the development of Hawaiian handicraft industries .....  | 25,000.00            |
| (3) For the general purposes of the industrial research program other than those set forth in (1) and (2) of this section.....   | 200,000.00           |
| <b>TOTAL .....</b>   | <b>\$255,000.00.</b> |

SECTION 2. This Act shall take effect upon approval.

(Approved June 5, 1953.) **S. B. 350, Act 202.**

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## EXCEPTIONAL CHILDREN.

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### Series F-271: ACT 270

An Act Making an Appropriation for the Education of Exceptional Children.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of fifty-six thousand six hundred dollars (\$56,600.00), or so much thereof as may be needed, for the purposes set forth in Act 29 of the Session Laws of Hawaii 1949. The appropriation hereby made shall be in addition to any other appropriation made for the same or similar purpose.

SECTION 2. The moneys hereby appropriated shall be expended under the direction of the department of public instruction.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1953.) **H. B. 303, Act 270.**

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GRADUATE NURSES' SCHOLARSHIPS.

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**Series F-272: ACT 277**

An Act Making an Appropriation for the  
Purposes of Act 315 of the Session Laws of 1951,  
Relating to Scholarship for Graduate Nurses.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated the sum of fifteen thousand dollars (\$15,000.00) to be expendable in the same manner and for the same purposes as the appropriation made by Act 315 of the Session Laws of 1951. The appropriation hereby made shall be in addition to the appropriation made by said Act 315 of the Session Laws of 1951 or any other appropriation made for the same or similar purposes.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 15, 1953.) **S. B. 506, Act 277.**

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DENTAL HYGIENISTS' TRAINING.

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**Series F-273: ACT 162**

An Act Appropriating Twenty Thousand  
Dollars for the 1953-55 Biennium for the Purpose  
of Continuing the Dental Hygienists' Training Pro-  
gram at the University of Hawaii.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of twenty thousand dollars for the biennium beginning July 1, 1953, and ending June 30, 1955, to be expended by the board of regents of the University of Hawaii for

the continued operation of the dental hygienists' training program established at the university, including professional and other personal services, administrative expenses, supplies and equipment, and such modifications of existing university facilities as are necessary to accommodate the training program.

SECTION 2. This Act shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved June 1, 1953.) S. B. 237, Act 162.

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## PORTRAIT OF HONORABLE OREN E. LONG.

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### Series F-274: ACT 113

An Act Making an Appropriation for an  
Oil Portrait of the Honorable Oren E. Long.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00) or so much thereof as may be necessary is hereby appropriated from the general revenues of the Territory not otherwise appropriated, for an oil portrait of the Honorable Oren E. Long, former governor of the Territory of Hawaii.

SECTION 2. The governor of the Territory of Hawaii is hereby authorized to contract with an artist selected by him for the painting of such portrait. The painting shall be done in such manner as to conform to the desire of the Honorable Oren E. Long.

SECTION 3. The sum herein appropriated shall be expended upon warrants issued by the auditor and upon vouchers approved by the governor of the Territory of Hawaii, **provided**, however, that the artist selected shall be a citizen of the United States and a resident of the Territory of Hawaii for at least three (3) years prior to the date hereof, unless it is not reasonably practicable to obtain a competent person with the foregoing qualification, in which case the services of a person without such qualification may be obtained.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 19, 1953.) S. B. 512, Act 113.



## CLAIMS OF VARIOUS PERSONS.

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Series F-275: ACT 225

An Act for the Relief of Chun Chin.

WHEREAS, Chun Chin was the lessee of public lands under General Lease No. 2515 dated October 30, 1936; and

WHEREAS, said lease was cancelled more than fourteen years before the termination date thereof and the land covered thereby was set aside for the use of the United States under the provisions of section 91 of the Organic Act by Governor's Executive Order No. 1038 dated November 18, 1943; and

WHEREAS, at the time of said Executive Order the lessee had constructed improvements on the said land judicially determined to be worth \$8,500.00; and

WHEREAS, said Chun Chin has since deceased and his estate probated in the circuit court of the First Judicial Circuit; and

WHEREAS, no compensation has ever been paid for the loss of said improvements; now, therefore,  
*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of \$8,500.00 is hereby appropriated from the general revenues of the Territory not otherwise appropriated to compensate for the loss of improvements constructed by the lessee on public lands covered by General Lease No. 2515 dated October 30, 1936, when said lease was cancelled by Governor's Executive Order No. 1038 dated November 18, 1943.

SECTION 2. The sum hereby appropriated shall be paid to the heirs of Chun Chin, the lessee under said General Lease No. 2515, as their interests may appear, upon warrants drawn by the auditor and approved by the attorney general.

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 12, 1953.) **H. B. 749, Act 225.**

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Series F-276: ACT 195

An Act Making Available an Appropriation from the General Revenues of the Territory for the Claim of Alexander Pimental for Injuries Sustained by Him While Allegedly Engaged on a Territorial Project.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, for the purpose of paying any legally adjudicated claim of Alexander Pimental for and on account of injuries allegedly sustained by him on January 17, 1947 while engaged on a territorial project, which injuries have totally incapacitated him from performing any work of a remunerative nature.

SECTION 2. Any claim presented by said Alexander Pimental shall not be deemed a legally adjudicated claim within the contemplation of section 1, unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the Territory. Upon presentation to the auditor of the Territory of a certified copy of such final judgment, the sum hereby appropriated shall be paid to the extent of said judgment upon a warrant duly issued by said auditor of the Territory.

SECTION 3. For the purposes of this Act and the adjudication of any such claim, the immunity of the Territory to suit and the defense of the existing statute of limitations are hereby waived, and said Alexander Pimental may proceed against the Territory as in the case of any other defendant, subject to the same procedures and defenses, except for the defenses of immunity from suit and the statute of limitations; **provided**, that nothing contained herein shall be construed as an admission of liability on the part of the Territory; and **provided** further, that nothing herein contained shall authorize the commencement of any such action or suit at any time after the expiration of two years from the effective date of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 5, 1953.) **H. B. 1183, Act 195.**

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#### Series F-277: ACT 196

An Act Making Available an Appropriation from the General Revenues of the Territory for the Claim of M. R. Carreira for Alleged Loss of Papaya Trees and Animals Resulting from Arsenic Negligently Sprayed by Territorial Employees.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of thirteen thousand eight hundred thirty dollars (\$13,830.00), or so much thereof as may be

necessary, is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, for the purpose of paying any legally adjudicated claim of M. R. Carreira for or on account of damages sustained by him through alleged loss of papaya trees and death of domestic animals caused by negligent spraying of arsenic by employees of the board of agriculture and forestry of the Territory to eradicate snails in the year 1944.

SECTION 2. Any claim presented by said M. R. Carreira shall not be deemed a legally adjudicated claim within the contemplation of section 1, unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the Territory. Upon presentation to the auditor of the Territory of a certified copy of such final judgment, the sum hereby appropriated shall be paid to the extent of said judgment upon a warrant duly issued by said auditor of the Territory.

SECTION 3. For the purposes of this Act and the adjudication of any such claim, the immunity of the Territory to suit and the defense of the existing statute of limitations are hereby waived, and said M. R. Carreira may proceed against the Territory as in the case of any other defendant, subject to the same procedures and defenses, except for the defenses of immunity from suit and the statute of limitations; **provided**, that nothing contained herein shall be construed as an admission of liability on the part of the Territory; and **provided** further, that nothing herein contained shall authorize the commencement of any such action or suit at any time after the expiration of two years from the effective date of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 5, 1953.) **H. B. 1184, Act 196.**

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#### Series F-278: ACT 271

An Act Authorizing the Board of Supervisors of the City and County of Honolulu to Appropriate \$1,000.00 for the Relief of George K. Sakurai.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any other law to the contrary notwithstanding, the board of supervisors of the city and county of Honolulu is hereby authorized to appropriate the sum of

one thousand dollars (\$1,000.00), the same to be paid to George K. Sakurai to compensate him for the loss of his boat which was demolished when it was used by the rescue squad of the Honolulu fire department in an attempt to rescue a drowning victim off Ala Moana beach, Honolulu, on August 3, 1952.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 15, 1953.) **H. B. 660, Act 271.**

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## HAWAIIAN DICTIONARY.

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### **Series F-279: ACT 239**

An Act to Provide for the Preparation, Publication and Distribution of a Hawaiian Dictionary, and Making an Appropriation Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of regents of the University of Hawaii is hereby authorized and directed to prepare for publication, publish and distribute through the University of Hawaii press a Hawaiian dictionary.

SECTION 2. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to carry out the purposes of this Act. A charge of at least \$10.00 shall be made for each copy of the dictionary sold, which receipts shall be deposited in the general fund of the Territory on the last day of each quarter following the date of publication of the dictionary.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1953.) **H. B. 812, Act 239.**

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## KAMEHAMEHA DAY CELEBRATION.

### **Series F-280: ACT 184**

An Act Appropriating Twenty-Eight Thousand Five Hundred Dollars for Expenditure During the Years 1953 and 1954 by the Kamehameha Day Celebration Commission.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, the sum of twenty-eight thousand five hundred dollars (\$28,500.00), which shall be used to defray the expenses of Kamehameha Day celebration, the said amount to be allotted in the following manner:

(1) For Oahu .....	\$15,000.00
(2) For Hawaii (excluding Kona, Hamakua and Kohala) .....	4,500.00
(3) For Kona .....	1,250.00
(4) For Kau .....	750.00
(5) For Kohala: North and South Kohala....	1,000.00
(6) For Maui .....	2,500.00
(7) For Molokai .....	600.00
(8) For Lanai .....	200.00
(9) For Kalaupapa .....	200.00
(10) For Kauai .....	2,500.00

SECTION 2. The amount herein appropriated shall cover all expenditures of Kamehameha Day celebrations of June 11, 1953 and 1954, by the Kamehameha Day celebration commission in the manner and under the provisions established by section 1 of Act 227 of the Session Laws of Hawaii 1939.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 5, 1953.) **H. B. 101, Act 184.**

## RELIEF OF CERTAIN PERSONS.

### Series F-281: ACT 214

An Act for the Relief of Certain Persons,  
Firms and Corporations on Account of Overpayment  
of Taxes and Other Claims Against the Territory,  
and Providing Appropriations Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following respective sums of money are hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of reimbursing the following named persons, firms and corporations, for overpayment of taxes or for taxes illegally collected, or on account of other claims against the Territory, in the amounts set opposite their respective names:

# **PAYMENT OF CLAIMS**

**Sr. F-281**

ABBOT, A. J.

(Board of Harbor Commissioners)

Damages to furniture and personal belongings stored at Pier 5A.....\$ 250.00

AWAI, HENRY K.

(Department of Institutions)

To cover loss of personal property suffered in fire which destroyed Konahilo Road Camp on October 28, 1952..... 165.09

BERTELMANN, ARCHIE

(Department of Institutions)

To cover loss of personal property suffered in fire which destroyed Konahilo Road Camp on October 28, 1952..... 54.00

BRANCO, DAVID W.

(Public Land)

The amount paid by him as and for the first six months rent, plus costs of sale in connection with the public sale of government leases covering land at Moaula, Kopu, Makaka, Kau, Hawaii 1,499.23  
(not approved)

CAMPOS, LAWRENCE W.

(Agriculture & Forestry)

Reimbursement for loss of hogs shipped to Hawaii on or about April 27, 1949, which were quarantined upon arrival..... 10,000.00  
(not approved)

CANARIO TRUST, J. S.

(Tax Commissioner)

Refund of real property taxes..... 16.81

CAREY, JOHN T.

(First Circuit Court)

Reimbursement of cash advanced for medicine and drugs for Mr. Jose R. Tabausariz who died. Moneys belonging to the deceased were escheated to the Territory..... 56.80

CHAR, WATTIE HOLT

(Tax Commissioner)

Refund of real property taxes paid..... 176.33

CHUN, HAROLD B. F.

(Tax Commissioner)

Refund of real property taxes paid..... 26.09

CHUN, YUK-YAU (Auditing Department)	
Outlawed territorial warrant.....	35.10
CITY & COUNTY OF HONOLULU—	
CONTROLLER'S OFFICE (Bureau of the Budget)	
Reimbursement of bonus payments made to Estate of William K. Clark and to Mrs. Emma U. Clark, widow of William K. Clark.....	496.80
CLUB 100	
Refund of real property taxes paid.....	373.28
COHEN, MORRIS K. (Tax Commissioner)	
Reimbursement of 2% tax withheld and paid to tax collector on compensation paid to claim- ant by Acme Mattress & Furniture Company..	891.10
COPP, HENRY B. (Tax Commissioner)	
Refund of real property taxes paid.....	39.45
FIREMAN'S FUND GROUP (Tax Commissioner)	
Refund of 2% tax withheld on dividends from 1945 through 1949.....	4,845.50
FUJIOKA, MITSURU (Tax Commissioner)	
Refund of real property taxes paid.....	134.02
GRACE, GUY (Tax Commissioner)	
Refund of compensation and dividend taxes paid .....	145.20
HARADA, JUNICHIRO (Agriculture & Forestry)	
Losses suffered through contamination of his land because of 2,4-D used in the Kona rain- making experiment .....	3,485.00
HEW, JOSEPH (Tax Commissioner)	
Refund of real property taxes paid.....	6.47
HIDANI, KISHINO (Tax Commissioner)	
Refund of real property taxes paid.....	5.85

**PAYMENT OF CLAIMS****Sr. F-281**

HIGA, WILLIAM Y. (Tax Commissioner) Refund for real property taxes paid.....	112.67
HOBBS, JEAN F. (Tax Commissioner) Refund for real property taxes paid.....	166.99
HONOLULU PAPER COMPANY, LIMITED Supplies furnished to Constitutional Convention .....	386.50
HOWARD, VOLNEY A. K. (Public Lands) Reimbursement of payments made, including interest, toward purchase of Residence Lot No. 56 at Hilo, Hawaii, damaged beyond any possible use for which it was intended, to-wit, erection of a residence on lot, by the tidal wave in 1946..	2,182.54 (not approved)
IMAMOTO, ISAMI (Auditing Department) Outlawed territorial warrant.....	8.92
KAAIHUE, NAEHU (Tax Commissioner) Refund of real property taxes paid.....	5.26
KAHAUOLOPUA, WILLIAM (Board of Harbor Commissioners) Reimbursement for loss of tools in fire at Pier 15 on April 16, 1951.....	50.86
KANEALII, RAYMER (Auditing Department) Outlawed territorial warrant.....	36.28
KOCHI, KIYOMASA (Tax Commissioner) Refund of real property taxes paid.....	30.93 (not approved)
LEE, MOLLIE THOMAS (Tax Commissioner) Refund of real property taxes paid.....	213.99
LEE, PETER (Department of Institutions) To cover loss of personal property suffered in fire which destroyed Konahilo Road Camp on October 28, 1952.....	80.45
	501



## LINDSEY, WILLIAM M. S.

(County of Hawaii)

The sum being the amount of his accrued vacation pay for the vacation period earned and not taken by him because of emergency conditions.. 553.61  
(not approved)

## LONG, JR., MRS. HENRY

(Tax Commissioner)

Refund of real property taxes paid..... 1.39

## MA-E, HENRY K.

(Department of Institutions)

To cover loss of personal property suffered in fire which destroyed Konahilo Road Camp on October 28, 1952..... 88.80

## MAHUNA, JOHN P.

(Department of Institutions)

To cover loss of personal property suffered in fire which destroyed Konahilo Road camp on October 28, 1952..... 180.95

## MARUOKA, RUSS

(Board of Harbor Commissioners)

Reimbursement of loss of tools in fire at Pier 15 on April 16, 1951..... 61.51

## MAUI MOTORS, LIMITED

(Agriculture &amp; Forestry)

Charges for repairs to T.H. cars incurred at Haiku, Maui in 1947 for which payment has never been received..... 103.87

MAUI REALTY & FINANCE COMPANY,  
LIMITED

(Tax Commissioner)

Refund of real property taxes paid..... 3.79

## MEHEULA, MELE

(Auditing Department)

Outlawed territorial warrant..... 35.00

## McCANDLESS TRUST ESTATE, L. L.

(Tax Commissioner)

Refund of real property taxes paid..... 19.30

## McINERNY, ADELE C.

(Tax Commissioner)

Refund of real property taxes paid..... 4.77

**PAYMENT OF CLAIMS****Sr. F-281****McKEAGUE, BERNARD H.**

(Tax Commissioner)

Refund of real property taxes paid..... 5.93

**MEYER ESTATE, LIMITED, R. W.**

(Hawaiian Homes Commission)

Use by the Hawaiian Homes Commission  
of a certain right-of-way on the island of Molokai  
belonging to the claimant..... 12,500.00  
(not approved)**MURRAY, DONALD JAMES**

(Department of Institutions)

To cover loss of personal property suffered  
in fire which destroyed Konahilo Road Camp on  
October 28, 1952..... 99.00**MUTUAL TELEPHONE COMPANY**

(Hawaii National Guard)

Damages to property on the island of Hawaii  
caused by a Hawaii National Guard plane on  
August 15, 1952..... 364.12**NG, WELLINGTON K. S.**

(Tax Commissioner)

Refund of compensation and dividends taxes  
paid ..... 36.00**O'BRIEN, FRANCIS R.**

(Tax Commissioner)

Refund of compensation and dividends taxes  
paid ..... 57.39**OLIVAL, ALFRED**

(Department of Institutions, Oahu Prison)

To compensate him for injuries sustained at  
Oahu Prison while under the custody, control,  
safety, board and lodging while incarcerated in  
said Oahu Prison in 1949..... 3,000.00  
(not approved)**OMIYA, CHARLES**

(Department of Institutions)

To cover loss of personal property suffered  
in fire which destroyed Konahilo Road Camp on  
October 28, 1952..... 233.63**PANG, KIM YOU**

(Tax Commissioner)

Refund of compensation and dividends taxes  
paid ..... 49.70

503

PARKE, LLOYD P.	
(Tax Commissioner)	
Refund of poll taxes paid.....	7.26
PINTO, JR., JOHN	
(Tax Commissioner)	
Refund of compensation and dividends taxes paid .....	200.00
RADIO CORPORATION OF AMERICA	
(Hawaii National Guard)	
Payment for damages sustained when a national guard fighter plane damaged the antenna field of the company at Kahuku, Oahu in making an emergency landing.....	950.39
ROBINSON, JR., HENRY P., ADMINISTRATOR, ESTATE OF HELEN R. ROBINSON	
(Tax Commissioner)	
Refund of real property taxes paid.....	38.61
SANTOS, CHARLES R.	
(Tax Commissioner)	
Refund of real property taxes paid.....	179.43
SHIBATA, MINORU	
(Tax Commissioner)	
Refund of real property taxes paid.....	105.35
SIU, DOROTHY C.	
(Tax Commissioner)	
Refund of amount paid (\$36.49) and interest (\$5.26) on 2% compensation and dividends tax for her husband, Joseph P. C. Q. Siu.....	41.75
SMITH, MADORAH E.	
(University of Hawaii)	
Injuries suffered by her from a fall on the campus of the University on the night of June 26, 1951 .....	221.58
	(not approved)
TAKARA, SABURO	
(Public Lands and Public Works)	
Value of cane stools lost as result of withdrawal by the Territory of certain parcels of land for the new Puumaile Hospital site at Piihonua, Hawaii .....	496.00

**PAYMENT OF CLAIMS****Sr. F-281**

TAM, AMELIA D.

(Tax Commissioner)

To refund real property taxes erroneously  
paid during years 1943 through 1948..... 417.35  
(not approved)

TANAKA, DENKICHI

(Public Lands and Public Works)

Value of cane stools lost as result of with-  
drawal by the Territory of certain parcels of  
land for the new Puumaile Hospital site at  
Piihonua, Hawaii ..... 840.00

UNIVERSITY OF CALIFORNIA, on behalf  
of certain employees

(Tax Commissioner)

Refund of compensation and dividends taxes  
paid ..... 603.03

YEE, KAM YORK &amp; WIFE

(Tax Commissioner)

Refund of real property taxes paid..... 8.14

YOUNG, H. I. et al

(Tax Commissioner)

Refund of real property taxes paid on parcels  
2-3-02-9 and 2-3-02-10 for the years 1946, 1947  
and 1948 at Hilo, Hawaii..... 2,513.18

SECTION 2. The sums hereinabove appropriated shall be paid upon warrants issued by the territorial auditor upon vouchers approved by the tax commissioner in the several amounts and to the respective persons hereinabove set out, as to said claims for taxes, and shall be paid upon warrants issued by said auditor upon vouchers approved by the director of the bureau of the budget as to all other claims.

SECTION 3. Any amounts so paid which shall represent property taxes overpaid or illegally collected shall constitute an advancement to the county in which such taxes have been collected, and shall be repaid by the treasurer of the Territory into the general fund of the Territory by retaining the amount from the next collection of such taxes on account of such county and paying the same into said general fund.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 9, 1953, except as to items of David W. Branco for \$1,499.23; Lawrence W. Campos for \$10,000.00; Volney A. K. Howard for \$2,182.54; Kiyomasa Kochi for \$30.93; William M. S. Lindsey for \$553.61; R. W. Meyer Estate, Ltd. for \$12,500.00; Alfred

Olival for \$3,000.00; Madorah E. Smith for \$221.58; Amelia D. Tam for \$417.35; which are not approved).

H. B. 403, Act 214.

VETERANS' BONUS AND AID.

Series F-282: ACT 106

An Act to Amend Act 225 of the Session Laws of Hawaii 1949, Relating to Disabled Veterans.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The title of Act 225 of the Session Laws of Hawaii 1949 is hereby amended to read as follows:

"An Act to aid disabled veterans and making an appropriation for such aid."

SECTION 2. The first "Whereas" clause of Act 225 of the Session Laws of Hawaii 1949 is hereby amended to read as follows:

"WHEREAS, the Federal Government by Public Law 702, 80th Congress, and as amended by Public Law 286, 81st Congress, provides that a veteran who served in the armed forces of the United States and who has a specific permanent disability and is eligible to receive a federal grant, not to exceed fifty percent of the total cost of a home especially designed for wheelchair living or a maximum of \$10,000.00 for the purpose of purchasing or remodeling such home; and".

SECTION 3. The second "Whereas" clause of the Act cited in the title hereof is hereby repealed.

SECTION 4. Section 1 of the Act cited in the title hereof is hereby amended by deleting the words "Public Law 702, 80th Congress" and inserting in lieu thereof the following:

"Public Law 702, 80th Congress, as amended by Public Law 286, 81st Congress, or any future amendments made thereto".

SECTION 5. The sum of \$50,000.00 is hereby appropriated out of the general revenues of the Territory to be used for the purposes of this Act by the council on veterans' affairs.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 19, 1953.) H. B. 131, Act 106.

## JOINT RESOLUTIONS

## J. R. 1

**Joint Resolution** Requesting the Congress to Admit Hawaii as a State.

WHEREAS, the 83rd Congress of the United States of America has before it for consideration legislation to enable Hawaii to form a state government and to enter the Union as a new state; and

WHEREAS, such legislation is the culmination of decades of application by the people of Hawaii for admission as a state, and of increasing progress in achieving this goal; and

WHEREAS, both the Senate and the House of Representatives of the Congress have separately and jointly held exhaustive hearings on the question of statehood for Hawaii, resulting in favorable reports in every instance; and

WHEREAS, the House of Representatives passed legislation to make Hawaii a state during the 80th Congress, and again during the 81st Congress, and the Senate Committee on Interior and Insular Affairs reported such legislation favorably to the floor of the Senate during the 81st Congress and during the 82nd Congress; and

WHEREAS, both the Republican and Democratic national platforms of 1952 unequivocally supported statehood for Hawaii; and

WHEREAS, President Dwight D. Eisenhower has stated and reiterated his approval of immediate statehood for Hawaii; and

WHEREAS, the Territory of Hawaii has been an organized Territory of the United States of America for more than half a century, and the people of Hawaii are entitled to a decision by the Congress as to their aspirations for statehood; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Congress of the United States of America is hereby respectfully requested and petitioned to give immediate consideration to the legislation now pending in the said Congress to enable Hawaii to become a state and to admit Hawaii to the Union as a State without further delay.

Section 2. This Legislature does hereby reaffirm, reassert, and restate the desire and demand of the people of the Territory of Hawaii for admission to the Union as a State.

Section 3. Duly certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the said Senate, the Chairman of the Committee on Interior and Insular Affairs of said House of Representatives, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

Section 4. This Joint Resolution shall take effect upon its approval.

(Approved March 6, 1953.) S. J. R. 12, J. R. 1.

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## J. R. 2

**Joint Resolution** Requesting the Congress of the United States to Authorize the Recreational Use of Government Lands Under the Control of the Armed Forces.

WHEREAS, the land area of the Territory of Hawaii is limited and thereby hunting, fishing and other outdoor recreational activities are restricted; and

WHEREAS, there are government lands in Hawaii under the jurisdiction of the Armed Forces which could be made available to hunting, fishing and other outdoor recreational activities, without conflicting with the primary activities for which such lands are held; now therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Congress of the United States of America is hereby respectfully requested to authorize the Armed Forces to permit hunting and fishing on and other outdoor recreational use by the residents of Hawaii of government lands under the control of said Armed Forces, where such use will not directly conflict with the purposes for which such lands are held.

Section 2. Certified copies of this Joint Resolution shall upon its approval be forwarded to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States, to the Secretary of Interior, Secretary of Defense, Commanding General of the United States Army in the Pacific, and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved March 25, 1953.) **S. J. R. 6, J. R. 2.**

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**J. R. 3**

**Joint Resolution** Memorializing the Congress of the United States of America to Enact H. R. 2848, Pertaining to Charges for Use of Wharves and Landings Existing During the Republic of Hawaii.

WHEREAS, Section 89 of the Hawaiian Organic Act provides: "That until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenue derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States."; and

WHEREAS, all wharves and landings which were suitable for shipping and which existed at the time of the passage of Section 89 of the Organic Act have long since been torn down, and in some instances new structures erected; and

WHEREAS, it is the belief of the Territory that it was not the intention of the Congress to require the Territory to forever furnish free use of wharf structures to federal agencies; and

WHEREAS, the board of harbor commissioners of the Territory of Hawaii is on a self-supporting basis and is required to sell revenue bonds for all major capital replacements; and

WHEREAS, Section 89 of the Hawaiian Organic Act, by providing for free usage of waterfront structures by federal agencies has adversely affected the sale of revenue bonds; and

WHEREAS, the federal government, through Army and Navy construction in Honolulu Harbor and Pearl Harbor,



#### **J. R. 4 APPROPRIATION FLOOD CONTROL, HANAPEPE, KAUAI**

has provided modern wharf facilities which make it no longer necessary for these agencies to use territorial waterfront facilities; and

WHEREAS, the Honorable Joseph R. Farrington has introduced in the House of Representatives legislation designated as H. R. 2848 which will eliminate the provision that no charge can be made by the Territory for use of wharves and landings existing at the time Section 89 of the Organic Act was enacted; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact into law H. R. 2848 for the reasons stated in this Joint Resolution.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 11, 1953.) **S. J. R. 39, J. R. 3.**

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#### **J. R. 4**

**Joint Resolution** Requesting the Congress of the United States of America to Enact Legislation Appropriating Funds for Flood Control at Hanapepe, Kauai, Authorized by Public Law 534, 78th Congress, Second Session, Section 10.

WHEREAS, Public Law 534, 78th Congress, Second Session, Section 10, authorized expenditures for the first step of flood control at Hanapepe, Kauai; and

WHEREAS, the board of supervisors of the county of Kauai, Territory of Hawaii, by Resolution 152, 1951, agreed to provide the items of local cooperation as specified by said Public Law 534; and

WHEREAS, by Act 306, Session Laws of Hawaii 1941, the Territory of Hawaii appropriated \$50,000.00 of which \$49,000.00 has been held in reserve for the purpose of meeting local requirements in connection with said flood control project, and the county of Kauai floated county bonds in the

## **CHARGING KAHULUI LANDS TO "PUBLIC" PURPOSES J. R. 5**

amount of \$50,000.00 under Act 64, Session Laws of Hawaii 1939, for the same purpose; and

WHEREAS, the District Engineer, San Francisco District, Corps of Engineers, U. S. Army, submitted an estimate of \$307,800.00 as the cost of completion of the flood control project authorized by said Public Law 534; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby requested to enact legislation which will appropriate the amount of \$307,800.00 to be expended for the completion of the flood control project at Hanapepe, Kauai, as authorized by Public Law 534, 78th Congress, Second Session, Section 10.

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 15, 1953.) **S. J. R. 2, J. R. 4.**

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### **J. R. 5**

**Joint Resolution** Memorializing the Congress of the United States to Enact H. R. 2849, Pertaining to Use of Certain Land in Vicinity of Pier One, Kahului, Maui, T. H.

WHEREAS, by Act of Congress approved June 19, 1936, the War Department was authorized to transfer to the Territory of Hawaii certain lands in the vicinity of Pier One, Kahului Harbor, Kahului, Maui, for park purposes; and

WHEREAS, by quitclaim deed dated March 22, 1937, the United States, by the Secretary of War, did transfer ownership of said property to the Territory for park purposes; and

WHEREAS, due to increased shipping through the Port of Kahului, it is now necessary for the Territory of Hawaii to extend the shedded area and provide additional outside storage space in the area covered by said deed; and

**AVAILABILITY OF PUBLIC SCHOOL GROUNDS  
FOR RECREATIONAL PURPOSES**

WHEREAS, there is no land other than that covered by said deed in the vicinity of Pier One, Kahului, which can be used for the needed expansion of harbor facilities at this port; and

WHEREAS, in order that said land be made available for harbor purposes, it is necessary that the restriction of the use thereof to park purposes, as provided in said Act of Congress approved June 19, 1936, and said deed, be removed; and

WHEREAS, the area desired for harbor purposes is not near any residential area and is not desirably situated nor needed for park purposes; and

WHEREAS, in order to provide for a removal of the said restriction by the Department of Defense the Honorable Joseph R. Farrington, Delegate from Hawaii, on February 9, 1953, introduced legislation designated as H. R. 2849 which provides for an amendment of the Act of Congress approved June 19, 1936, by substituting for the word "park" where the same appears in the last line but one thereof the word "public"; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact into law H. R. 2849, as introduced by the Honorable Joseph R. Farrington, Delegate from Hawaii, on February 9, 1953.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 20, 1953.) **S. J. R. 36, J. R. 5.**

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**J. R. 6****Joint Resolution** Providing for the Use of  
Public School Buildings, Facilities and Grounds for  
Community and Recreational Purposes.

WHEREAS, school buildings, facilities, and grounds are public property and it is good public policy in a democracy to maximize the beneficial use of such property by the widest possible public; and

**CONVERTING PUBLIC LEASED LAND TO FEE SIMPLE J. R. 7**

WHEREAS, school buildings and grounds are not generally in use in the late afternoons, over week-ends, and during the summer months; and

WHEREAS, there is a shortage in this Territory of public parks, playgrounds, and picnic areas, and also of suitable meeting places for precinct clubs, service clubs, and other community organizations; and

WHEREAS, schools have, in the American tradition, served not only as educational centers but also as social and community centers; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All public school buildings, facilities, and grounds shall be available for general recreational purposes and for public and community group meetings, whenever these activities do not interfere with the normal and usual activities of the school, and its pupils, concerned. Any law or portion of any law to the contrary notwithstanding, the department of public instruction and the departments and officials of the City and County and other counties of the Territory of Hawaii entrusted with the control, supervision and care of school buildings, facilities and grounds are hereby authorized and directed to issue such rules and regulations as are deemed necessary to carry out the purposes of this Joint Resolution.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved April 20, 1953.) **H. J. R. 15, J. R. 6.**

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**J. R. 7**

**Joint Resolution** Relating to the issuance of Land Patents in Fee Simple to Certain Lessees under 999-year Homestead Leases and amending Joint Resolution 12 of the Twenty-fifth Legislature of the Territory of Hawaii.

WHEREAS, by Joint Resolution 12 of the Twenty-Fifth Legislature of the Territory of Hawaii, approved September 1, 1950 by the Congress of the United States (Public Law 746, 81st Congress, Second Session), the commissioner of public lands and the governor of said Territory were authorized and directed to issue a land patent to each lessee of a 999-year lease who, following ten years' occupancy under

## **J. R. 7 CONVERTING PUBLIC LEASED LAND TO FEE SIMPLE**

such lease and willingness to pay the appraised value of the lands therein demised, desires to acquire the fee simple title to the lands subject to such lease; and

WHEREAS, under the governing law, since repealed by section 3 of said Joint Resolution 12, each homesteader, in order to qualify as a lessee of a 999-year lease, must occupy under a certificate of occupation for a period of six years next preceding the issuance of such lease the lands therein to be demised; and

WHEREAS, the terms and conditions of said certificate of occupation require of the homesteader the erection of a dwelling house and the maintenance of a home on the premises within a period of two years from the date of the issuance of said certificate; and

WHEREAS, under Joint Resolution 12 no credit is given a lessee of a 999-year lease who is desirous of acquiring the fee to the demised premises for any earlier residence upon said premises under a certificate of occupation; and

WHEREAS, it is the sense of this, the Twenty-Seventh Legislature of the Territory of Hawaii, that continuous residence by a homesteader for a period of ten years of lands subject to a 999-year lease, though such residence be partially under a certificate of occupation and partially under a lease, should qualify him as one entitled to the benefits provided by said Joint Resolution 12; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Joint Resolution 12 of the Twenty-Fifth Legislature of the Territory of Hawaii is hereby amended to read as follows:

"Section 1. A fee simple patent shall be issued to every lessee under a 999-year homestead lease of public lands where such lands have been improved under such lease or pursuant to a prior certificate of occupation and have been occupied as a place of residence by the lessee under such lease or under such lease and certificate of occupation for an aggregate period of not less than ten years, upon the payment to the commissioner of public lands of a fair price, disregarding the value of the improvements made by the lessee, which price shall be determined by three disinterested citizens to be appointed by the governor."

SECTION 2. This Joint Resolution shall take effect upon its approval by the Congress of the United States.

(Approved April 21, 1953.) **S. J. R. 26, J. R. 7.**

**J. R. 8**

**Joint Resolution** Relating to Public Lands  
leased at Waimanalo, City and County of Honolulu.

WHEREAS, the Waimanalo Agricultural Development Co., Ltd., has subleased to some 350 tenants approximately 98% of the 2805 acres presently under lease to it under General Lease No. 2543 at Waimanalo, city and county of Honolulu; and

WHEREAS, the sublessees have purchased the improvements on the land from the Waimanalo Agricultural Development Co., Ltd., and are using the land subleased as farm lots, pasture lots, and residential and business lots; and

WHEREAS, the land commissioner proposes to subdivide this area so that land will be available for a residential subdivision, farming, factoring and grazing uses, roads, University of Hawaii Experimental Farm, business activities, and a golf course; and

WHEREAS, General Lease No. 2543 expires on November 21, 1953, but it will take some time after that before the plans of the land commissioner are effectuated; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands is hereby requested to permit the present tenants who are now occupying as sublessees land included under General Lease No. 2543 at Waimanalo, city and county of Honolulu, to continue to remain on the land after the expiration of the lease on a tenant at will basis and at reasonable rentals until the plans of the commissioner for the development of the area are completed and work commences thereon.

SECTION 2. The commissioner of public lands is also requested to determine the identity of such sublessees as possess the qualifications required of homesteaders and who will be able to qualify for and receive a loan under the Bankhead-Jones Farm Tenant Act. Upon the effectuation of plans for the development of the Waimanalo land, he is requested to allow such persons who qualify for and receive loans under the Bankhead-Jones Farm Tenant Act to purchase their land and forthwith patent the land to them without recourse to drawing or lot.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 21, 1953.) **S. J. R. 42, J. R. 8.**

**J. R. 9**

**Joint Resolution** Respectfully Requesting the Commissioner of Public Lands to acquire, by exchange, lands adjoining Olaa Elementary and Intermediate School, Hawaii, for the use of such school.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands is hereby respectfully requested to acquire, by exchange, insofar as the law permits, an area of ten acres, more or less, adjoining Olaa Elementary and Intermediate School, Hawaii, for the use of such school.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved April 21, 1953.) **S. J. R. 52, J. R. 9.**

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**J. R. 10**

**Joint Resolution** Requesting the United States Congress to Authorize the Secretary of the Interior to make an Investigation and Study Relating to the Conservation, Development, and Utilization of the Water Resources of Hawaii and to Make an Appropriation Therefor.

WHEREAS, H. R. 2131 of the Eighty-Second Congress, Second Session entitled "An Act to authorize the Secretary of the Interior to investigate and report to the Congress on the conservation, development, and utilization of the water resources of Hawaii", said Act making an appropriation of \$2,000,000, was passed by the House of Representatives and referred to the Senate Committee on Interior and Insular Affairs; and

WHEREAS, William E. Warne, Assistant Secretary of the Interior for Water and Power Development submitted a report in 1951 recommending a continuing, comprehensive study of water resources of Hawaii; and

WHEREAS, there is a clear need for the strengthening of the economy of the Territory of Hawaii; and

WHEREAS, the development of water resources would provide the means of increasing production of goods and services; and

**COMMON AIRPLANE FARE BETWEEN MAINLAND  
AND ALL ISLANDS**

**J. R. 11**

WHEREAS, electric power is an expensive item in the economy of the islands; and

WHEREAS, a study relating to hydro-electric development in the islands would be a great concern to Hawaii and its people; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United is hereby respectfully requested to authorize the Secretary of the Interior to make an investigation and study relating to the conservation, development, and utilization of the water resources of Hawaii, and to report thereon.

SECTION 2. The Congress of the United States is hereby further respectfully requested to make adequate appropriation to carry out the provisions of this Joint Resolution.

SECTION 3. Certified copies of this Joint Resolution shall, upon its approval be forwarded to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Interior, and the Delegate to Congress from Hawaii.

SECTION 4. This Joint Resolution shall take effect upon its approval.

(Approved April 27, 1953.) **S. J. R. 4, J. R. 10.**

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**J. R. 11**

**Joint Resolution Requesting the Civil Aeronautics Board to Permit a Common Fare Between the Mainland United States and the Major Islands of Hawaii.**

WHEREAS, the Territory of Hawaii gives indication of developing an island economy which elsewhere in the world has resulted in exports being overbalanced by imports; and

WHEREAS, Hawaii offers unexampled advantages to tourists seeking a mild climate, natural beauty and wholesome sports; and

WHEREAS, the tourist traffic is now recognized throughout the world as being a source of income to balance some of the inequalities of exports and imports; and

WHEREAS, without a common fare among the Hawaiian Islands such as the Civil Aeronautics Board has permitted



## **J. R. 12 PURCHASE OPTIONS TO LESSEES OF PUBLIC LANDS**

between Hawaii and San Francisco or Los Angeles, as the case may be, the tourist traffic tends to center on the island of Oahu and thus the visitors miss the wide diversification of natural resources and interests which the islands as a whole present, each island being substantially different in climate, scenery and points of historical interest from the others; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Civil Aeronautics Board is hereby respectfully requested to re-examine the question of a common fare between the mainland United States and all the major islands of the Hawaiian group to the end that such common fare be established.

SECTION 2. A duly authenticated copy of this Joint Resolution shall be forwarded to the Civil Aeronautics Board.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 27, 1953.) **S. J. R. 41; J. R. 11.**

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### **J. R. 12**

**Joint Resolution** Requesting Congress of the United States of America to Amend Section 73 of the Hawaiian Organic Act Relating to Public Lands, to Grant Purchase Options to Certain Lessees.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to amend Section 73 of the Hawaiian Organic Act substantially as set forth in the following form of bill:

“A Bill

To Amend Section 73 of the Hawaiian Organic Act.

Be it Enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That Section 73 (1) of the Hawaiian Organic Act, as amended, be further amended by adding a new proviso to the second sentence thereof to read as follows:

'Provided, however, that the commissioner shall give to every lessee, sublessee or permittee under a revocable permit of public lands, being a citizen of the United States, or to any such person who has legally declared his intention to become a citizen of the United States and hereafter becomes such, who has, or whose predecessors in interest have, or the combination thereof, occupied said lands for an aggregate period of not less than ten years, a right to purchase so much of said lands as shall be used for a house lot or for agricultural or business purposes, but not to exceed one-half acre and such adjoining lands as may reasonably be required for a right of way to a government road, upon the payment of a fair and reasonable price, which price shall be determined by one or more but not more than three disinterested appraisers to be appointed by the governor. The term "predecessors in interest" as applied to a permittee under revocable permit shall be construed to include such permittee, his assignor or his devisor occupying said lands under a lease or a sublease immediately prior to the issuance of the revocable permit. In the determination of such purchase price, the improvements thereon shall be valued at one dollar, if such improvements were made or purchased by the lessee, sublessee, or permittee. If the commissioner shall deem it to be of public interest, he may substitute in place of such parcel selected by the purchaser public lands of similar character, value and area situated on the lands occupied under said lease or revocable permit and such purchaser shall pay for the relocation of any improvements thereto. No person shall be entitled to this right of purchase of public lands who has exercised said option under any other lease, sublease or revocable permit or the combination of both.'

Section 2. This Act shall take effect on and after the date of its approval."

SECTION 2. Upon its approval, certified copies of this Joint Resolution shall be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 30, 1953.) S. J. R. 13, J. R. 12.

**J. R. 13**

**Joint Resolution** Requesting the Congress of the United States of America to Enact Legislation Permitting the Sale of Public Lands at Waimanalo, City and County of Honolulu, Without Recourse to Drawing or Lot.

WHEREAS, the Waimanalo Agricultural Development Co., Ltd., has subleased to about 350 tenants approximately 98% of the 2805 acres presently under lease to it under General Lease No. 2543 at Waimanalo, city and county of Honolulu; and

WHEREAS, the sublessees have purchased the improvements on the land from the Waimanalo Agricultural Development Co., Ltd., and are using the land subleased as farm lots, pasture lots, and residential and business lots, until the expiration of the lease on November 21, 1953; and

WHEREAS, these sublessees have invested their life savings in these improvements and will have no place to relocate them if they have to move them off the lands now subleased; and

WHEREAS, the plight of said sublessees at Waimanalo is illustrative of the insecurity of the tenure of occupants of public lands throughout the Territory who have similarly invested their savings and their efforts in improvements on lands which they have not been able to purchase from the Territory; and

WHEREAS, the stable economic development of the Territory requires a widespread ownership of land; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** The Congress of the United States is hereby respectfully requested to enact legislation permitting the commissioner of public lands of the Territory of Hawaii to give to any person, being a citizen of the United States, or to any person who has legally declared his intention to become a citizen of the United States and hereafter becomes such, (1) who holds public lands in the Territory of Hawaii by lease, sublease, or revocable permit on December 1, 1953 and (2) who has, or whose predecessors in interest have, or the combination of both, held such lands for not less than five years, a preference right to purchase so much of said lands used for houselot or business purposes, or both, as the

case may be, but not to exceed one-fourth acre, upon the payment of a fair and reasonable price, which price shall be determined by three disinterested appraisers to be appointed by the governor; **provided** that public lands immediately adjacent to any cemetery existent on the effective date of said legislation may be sold to the owner, or owners, of the said cemetery, but the parcel of such public land sold shall not exceed three acres. In the determination of said purchase price, the improvements thereon shall be valued at one dollar, if such improvements were made or purchased by such lessee, sublessee, or permittee. In the case of lands adjacent to and sold to a cemetery, or when the commissioner shall deem it to be in the public interest, he may substitute in place of such lands selected for purchase by the lessee, sublessee, or holder of a revocable permit, public lands of similar character, value and area situated on other lands occupied under said lease, sublease, or permit and such purchaser shall pay for the relocation of any improvements thereto.

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved April 30, 1953.) S. J. R. 43, J. R. 13.

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## J. R. 14

### Joint Resolution Granting Certificated Flight Schools Token Rental Rates for Buildings and Land Areas.

WHEREAS, the continued operation in the Territory of one or more certificated flight schools is vital to commercial and private aviation, as well as to the veterans desiring flight training under Public Law 346 (78th Congress 2nd Session, Chapter 268, titled Servicemen's Readjustment Act of 1944, as amended,) and Public Law 550 (82nd Congress 2nd Session, Chapter 875, titled Veterans' Readjustment Assistance Act of 1952), and therefore should be encouraged and aided; and

WHEREAS, flight schools must be certificated by the Civil Aeronautics Administration before they are eligible to

**J. R. 15      TRANSFERRING CERTAIN UNITED STATES LANDS  
FOR ROAD PURPOSES**

apply for Veterans Administration approval under Public Laws 346 and 550; and

WHEREAS, there have been at one time seven or more flight schools in business in the Territory, but, because of high costs of operations, most of them were forced to close; and

WHEREAS, if some relief in operating costs is not found, the Territory of Hawaii may find itself without certificated flight schools; and

WHEREAS, without a certificated flight school in the Territory, our commercial and private aviation, the tourist industry, veterans of World War II and of Korean fighting who would otherwise be able to receive training in aviation, and other persons whose ambition is flying would all suffer; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 8 of Act 32 Session Laws of Hawaii 1947, as amended by Act 374 Session Laws of Hawaii 1949, is further amended by adding a new subsection thereto; said subsection shall read as follows:

“The Hawaii Aeronautics Commission may from time to time establish such token rental rates for buildings and land areas used exclusively by not more than four flight schools certificated by the Civil Aeronautics Administration, **provided** the Hawaii Aeronautics Commission may restrict the extent of buildings and land areas to be utilized.”

SECTION 2. This Joint Resolution shall take effect upon approval.

(Approved April 30, 1953.) **S. J. R. 55, J. R. 14.**

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**J. R. 15**

**Joint Resolution** Memorializing the Congress of the United States of America to Enact H. R. 2842 to Authorize the Secretary of Defense to Transfer Certain Land and Access Rights to the Territory of Hawaii.

WHEREAS, the Territory of Hawaii has constructed a highway which is a portion of the Honolulu-Pearl Harbor Road, Kalia Section, Federal Aid Urban Project No. FU 44(9); and

**TRANSFERRING CERTAIN UNITED STATES LANDS  
FOR ROAD PURPOSES**

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WHEREAS, the construction of said highway was sponsored by the military forces of the United States of America; and

WHEREAS, it was necessary to take certain land and access rights which are owned by the United States of America in order to make the highway connect with existing highways in a congested area; and

WHEREAS, under the laws of the Territory, it is required that the land underlying highways be owned by the Territory in fee simple; and

WHEREAS, said land and access rights are not subject to transfer under the provision of section 91 of the Hawaiian Organic Act authorizing the transfer of land to the Territory by Presidential Executive Order when it is necessary for public improvements of the Territory, because the land involved was acquired by the United States of America by purchase and not as government or crown lands of the government of Hawaii; and

WHEREAS, it is the intention of the Territory that the land and access rights be used only for highway purposes and that they be neither given up nor applied to any other use; and

WHEREAS, the Honorable Joseph R. Farrington has introduced in the House of Representatives legislation designated as H. R. 2842 which will authorize the Secretary of Defense to transfer said land and access rights to the Territory; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact into law H. R. 2842 for the reasons stated in this Joint Resolution.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1953.) **S. J. R. 48, J. R. 15.**

**J. R. 16**

**Joint Resolution** Relating to Harbor Improvements, Island of Kauai.

WHEREAS, the enlargement of the harbor and the deepening of the entrance channel of Nawiliwili Harbor, Kauai, is a great need of the Territory of Hawaii, and

WHEREAS, the Corps of Engineers has studied the need for enlarging the harbor and deepening the entrance channel and are preparing a report thereon, and

WHEREAS, the construction of bulk sugar handling facilities at Nawiliwili has caused a great increase in tonnage shipped, and

WHEREAS, wind and wave conditions make the requested improvements of great necessity to the safety of vessels using the harbor; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested and urged to approve the recommendations of the Corps of Engineers concerning the improvement of Nawiliwili Harbor, Kauai, Hawaii.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1953.) **S. J. R. 88, J. R. 16.**

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**J. R. 17**

**Joint Resolution** Memorializing the Congress of the United States to Enact H. R. 2840 for the Transfer by the United States of America to the Territory of Hawaii of Certain Land in the City and County of Honolulu, Territory of Hawaii.

WHEREAS, the Leahi Hospital, situated in Honolulu, city and county of Honolulu, Territory of Hawaii, is the largest single plant in the Territory devoted to the care and rehabilitation of tuberculosis patients; and

WHEREAS, as such, it is a vital link in the chain of major hospitals in the Territory; and

WHEREAS, in order to meet the growing needs of the Territory for such hospitalization as is provided by Leahi

Hospital, it is desirable that the hospital be expanded; and

WHEREAS, in order to accomplish the expansion, it will be necessary to acquire land contiguous to that already occupied by the present plant; and

WHEREAS, the only contiguous area available for such expansion is certain land owned by the United States of America and now incorporated in the Fort Ruger Military Reservation; and

WHEREAS, said land is now vacant; and

WHEREAS, said land is not required for military purposes; and

WHEREAS, the Honorable Joseph R. Farrington has introduced in the House of Representatives legislation designated as H. R. 2840 to provide for the transfer of said land to the Territory; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact into law H. R. 2840 for the reasons stated in this Joint Resolution.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1953.) S. J. R. 49, J. R. 17.

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### J. R. 18

**Joint Resolution** Requesting the Commissioner of Public Lands to Reclaim Public Lands Under General Lease and to Make an Exchange of Lands so as to Obtain a Right of Way to Make the Wailua Fern Grotto, County of Kauai, Accessible to the Public as a Park.

WHEREAS, the land around the fern grotto on upper Wailua River is part of public lands under General Lease 2723 to Lihue Plantation Company, and said river and the fern grotto are of great attraction to tourists and others; and



WHEREAS, the Lihue Plantation Company is willing to return to the Territory 15 acres more or less around the fern grotto so that the land may become available for a county park; and

WHEREAS, the only accessible approach to the fern grotto is over property under the Bishop Estate; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands is hereby requested to reclaim 15 acres more or less of public lands around the fern grotto on upper Wailua River, said land now being part of public lands under General Lease 2723 to the Lihue Plantation Company, and to make the 15 acres, more or less, available for a county park.

SECTION 2. The commissioner of public lands is hereby requested to exchange public lands of the Territory for such Bishop Estate lands near the fern grotto as are necessary for the construction of boat landing facilities and to obtain a right of way which will make the fern grotto accessible to the public.

SECTION 3. Certified copies of this Joint Resolution shall be forwarded to the Governor of the Territory and to the commissioner of public lands.

SECTION 4. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1953.) S. J. R. 75, J. R. 18.

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### J. R. 19

**Joint Resolution** Requesting the Congress of the United States to Make a Survey of the Kahului Harbor in the County of Maui and to Appropriate Funds for Enlarging the Turning Basin Therein, and Requesting the Assistance of the Corps of Engineers, United States Army, in Connection Therewith.

WHEREAS, Kahului harbor in the county of Maui is indispensable as a port of entry and debarkation for the numerous vessels which serve the county of Maui; and

WHEREAS, the turning basin in the harbor is inadequate for the safe turn-around of large vessels and has been the cause of accidents or near accidents to such vessels on recent occasions; and

WHEREAS, in addition to the inadequacy of the turnaround space, the shallow waters surrounding the entrance render the harbor hazardous for all types of shipping; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby earnestly and respectfully requested to provide for the making of a survey of the Kahului harbor in the county of Maui and to appropriate funds for dredging the harbor so as to accommodate the large vessels which are now using said harbor, including the enlarging of the turning basin therein, and dredging of the harbor entrance, if found necessary, to provide safe passage for such vessels.

SECTION 2. The corps of engineers, United States Army, is hereby earnestly and respectfully requested to take appropriate action to assist in securing such appropriation, and to perform such work as may be found necessary to make said harbor safe for all types of merchant shipping.

SECTION 3. Upon its enactment, copies of this Joint Resolution shall be forwarded to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of Interior, to the Delegate to Congress from Hawaii, and to the Commanding Officer of the Corps of Engineers, United States Army.

SECTION 4. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1953.) S. J. R. 79, J. R. 19.

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### J. R. 20

**Joint Resolution** Relating to Harbor Improvements, Honolulu Harbor.

WHEREAS, a second entrance to Honolulu harbor is of vital importance to shipping entering the port of Honolulu; and

WHEREAS, the United States corps of engineers has approved provision for a second entrance to Honolulu harbor at the Kapalama end of said harbor; and

WHEREAS, work on the project can commence without delay following approval of the work and appropriation of the necessary funds by the Congress; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States is respectfully requested to approve the project and urged to include in the current River and Harbor Development Appropriation Bill an item for providing a second entrance to Honolulu harbor.

SECTION 2. Duly certified copies of this Joint Resolution shall be forwarded to the President of the Senate of the Congress of the United States, to the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1953.) S. J. R. 82, J. R. 20.

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### J. R. 21

#### Joint Resolution Approving, Ratifying and Confirming the Pacific Memorial System.

WHEREAS, the people of the Territory of Hawaii through their legislature have previously constituted the Pacific War Memorial Commission and have empowered it to create and maintain in Hawaii a living war memorial commemorating the sacrifices in the Pacific ocean areas of our nation's and our allies' heroic war dead; and

WHEREAS, it has also been determined that out of the ruins of war and destruction such memorial shall embody and implement man's eternal struggle toward and for peace; and

WHEREAS, the people of the Territory of Hawaii themselves have demonstrated that people of all nations, races, and cultural backgrounds can live together in a spirit of brotherhood and harmony; and

WHEREAS, such Pacific memorial should express the nation's gratitude toward its fallen heroes and serve to inspire the living to build for a world without war—a world wherein there is peace with honor, respect for both the dignity of the individual and, the rights of minorities—and where all peoples place their faith in God; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Pacific Memorial System, delineated in drawings which are a part of the commission's report to

the Twenty-Seventh Legislature of the Territory of Hawaii, which system includes a Memorial Boulevard, from Pearl Harbor to the entrance of Honolulu, the National Cemetery of the Pacific, Diamond Head, University of Hawaii and all of the pertinent portions of the United States military establishments, be and said Pacific Memorial System is hereby approved, ratified and confirmed.

SECTION 2. The members of the Twenty-Seventh Legislature hereby express to all persons and agencies, including among others, the Hawaii Chapter of the American Institute of Architects, and the American Battle Monuments Commission, their appreciation for the advice and assistance which has been rendered to the cause of peace, and to the people of the Territory of Hawaii through the Pacific War Memorial Commission.

SECTION 3. The members of the Pacific War Memorial Commission be commended for the planning which is embodied in its Pacific Memorial System, and the members of said Pacific War Memorial Commission are further challenged to exert even greater efforts toward the ultimate fulfillment of their high and lofty purpose, for and on behalf of the people of Hawaii and all of the liberty loving peoples of the world.

SECTION 4. The Secretary of Hawaii shall cause copies of this Joint Resolution to be delivered to the members of the Pacific War Memorial Commission and to the institutions and organizations herein named.

SECTION 5. This Joint Resolution shall take effect upon approval.

(Approved May 1, 1953.) **S. J. R. 66, J. R. 21.**

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**J. R. 22**

**Joint Resolution** Relating to Assistance for  
Korean Veterans with Respect to Flight Training.

WHEREAS, under Public Law 550 (82nd Congress 2nd Session, Chapter 875) titled Veterans' Readjustment Assistance Act of 1952, a qualified veteran can only have 75% of a flight course tuition paid for by the veterans administration; and

WHEREAS, World War II veterans, under Public Law 346 (78th Congress 2nd Session, Chapter 268), were and are entitled to 100% payment from the veterans administration for flight training; and

WHEREAS, World War II veterans took a very active part in private and commercial aviation, as a direct result of their flight training paid for by the veterans administration; and

WHEREAS, World War II veterans took full advantage of flight training to a point where well over \$9,000.00 a month was brought into the Territory from the veterans administration; and

WHEREAS, the Korean veteran must pay 25% of the flight course plus the cost of books and supplies; and

WHEREAS, flight training is the only course under Public Law 550 that the veteran must pay for part of the course; and

WHEREAS, Korean veterans are put under a hardship when they have to pay 25% of a flight course plus books and supplies and, as a result, there are very few veterans applying for flight training; and

WHEREAS, if the Korean veteran could pursue a flight course with 100% payment there would be a great increase in veteran student pilots; and

WHEREAS, with an increase in veteran student pilots there would be increased interest in private aviation, and in time there would be a pool of qualified commercial pilots; and

WHEREAS, the local airlines were forced to call on qualified pilots from the mainland this past year; and

WHEREAS, private aviation in the Territory has been on a decline since 1951; and

WHEREAS, the Hawaiian aeronautics commission under its laws has been commissioned to aid, assist, help and encourage private aviation; now, therefore.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Hawaiian aeronautics commission may assist all Korean veterans who qualify for flight training under Public Law 550 (82nd Congress 2nd Session, Chapter 875) by paying 15% of the flight tuition; **provided**, however, such payments shall not exceed the aggregate amount of \$40,000.00 for the biennial period beginning July 1, 1953, and ending June 30, 1955.

SECTION 2. The Hawaiian aeronautics commission may continue this assistance as long as veterans are eligible under Public Law 550.

SECTION 3. Flying schools having approved veterans applying for flight training under Public Law 550 will notify the Hawaiian aeronautics commission of such students and request approval for assistance under this law.

SECTION 4. This Joint Resolution shall take effect July 1, 1953.

(Approved May 1, 1953.) **S. J. R. 72, J. R. 22.**

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**J. R. 23**

**Joint Resolution** Relating to the Acquisition of Additional Land for the Use by the Kahuku School, Kahuku, Oahu, for Recreational and Educational Purposes.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands is hereby respectfully requested to acquire, by exchange or purchase, insofar as the law permits, an area of ten acres of land, more or less, adjacent to and surrounding the Kahuku School, Kahuku, Oahu, suitable for and to be used for recreational and educational purposes.

SECTION 2. This Joint Resolution shall take effect ten days after promulgation as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved May 1, 1953.) **H. J. R. 44, J. R. 23.**

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**J. R. 24**

**Joint Resolution** Requesting the Return to the Territory of Hawaii of Certain Lands on Pokai Bay, Oahu.

WHEREAS, certain areas on Pokai Bay, Oahu, now comprising the Waianae-kai military reservation, tracts 2, 3 and 4, were transferred from the Territory of Hawaii to the federal government under Presidential Executive Order No. 2900, dated July 2, 1918, as modified by Presidential Executive Orders Nos. 5414, 7010, and 8109, dated, respectively, July 31, 1930, April 10, 1935, and May 3, 1939; and

WHEREAS, the purpose of the transfer was to make available an area suitable for training members of the armed forces in amphibious warfare; and

WHEREAS, the said areas are neither regularly used for nor especially fitted for such training purposes; and

WHEREAS, the primary use to which the said areas have been put in recent years is to serve as a recreation area for the armed forces stationed in Hawaii; and

WHEREAS, the city and county of Honolulu has in operation the Pokai Bay Beach Park, comprising some 1.12 acres between said tracts 3 and 4, which acreage is completely inadequate for the recreation needs of the population of Oahu living in or seeking recreation in the vicinity of Pokai Bay; and

WHEREAS, return of the said areas to the Territory, for transfer to the city and county of Honolulu, would make possible a good beach, bathing, and fishing area for the use of all persons residing on Oahu, civilians and military personnel alike; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the President of the United States is respectfully requested to delete from the operation of Presidential Executive Orders Nos. 2900, 5414, 7010 and 8109, dated, respectively, July 2, 1918, July 31, 1930, April 10, 1935, and May 3, 1939, those areas known as the Waianae-kai military reservation, tracts 2, 3, and 4, and to return the said lands to the Territory for use as a park and public recreation area.

SECTION 2. That duly authenticated copies of this Joint Resolution be transmitted to the President of the United States, to the Secretary of Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 5, 1953.) H. J. R. 51, J. R. 24.

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### J. R. 25

**Joint Resolution** Requesting the Congress of the United States of America to Amend the Migratory Bird Treaty Act to Permit the Taking, Killing, and Possessing of Wild Ducks and Other Migratory Birds in the Territory of Hawaii.

WHEREAS, the hunting of wild ducks and other migratory birds is not authorized in the Territory of Hawaii by the Migratory Bird Treaty Act, as amended, or any other Acts of the Congress of the United States; and

**RESTORATION OF CROSSES PUNCHBOWL  
MEMORIAL CEMETERY**

**J. R. 26**

WHEREAS, the Migratory Bird Treaty Act, as amended, provides for the hunting of migratory birds in the various states and also in the Territories of Alaska and Puerto Rico; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to further amend the Migratory Bird Treaty Act, as amended, to provide for the taking, killing, and possessing of wild ducks and other migratory birds in the Territory of Hawaii.

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States of America, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 7, 1953.) **H. J. R. 12, J. R. 25.**

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**J. R. 26**

**Joint Resolution** Memorializing the Congress of the United States of America to Authorize and Direct the Restoration of Crosses at the National Memorial Cemetery of the Pacific.

WHEREAS, the National Memorial Cemetery of the Pacific in Punchbowl Crater, Honolulu, Hawaii, was once symbolically marked by crosses row on row; and

WHEREAS, such crosses no longer mark the graves of the many veterans who have been put to rest at this beautiful and peaceful cemetery in the middle of the Pacific; and

WHEREAS, a display of crosses and other religious monuments appropriate to the religious faiths of those who are interred in the cemetery will tend to enhance the religious significance of this national memorial, more solemnly symbolize the deep respect with which each veteran so interred is honored, and will more effectively convey to the thousands of visitors who come to pay homage from the world over the message of "peace on earth, good will toward men" for which these sacrifices have been made; now, therefore,



**REMOVAL OF ABANDONED MILITARY  
INSTALLATIONS, FORT RUGER**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to appropriate adequate funds for and to authorize and direct the appropriate federal agency to restore and maintain crosses and other suitable religious monuments over the graves of those who are interred at the National Memorial Cemetery of the Pacific in Punchbowl Crater, Honolulu, Hawaii.

SECTION 2. Certified copies of this Joint Resolution shall be forwarded to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 7, 1953.) **H. J. R. 32, J. R. 26.**

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**J. R. 27**

**Joint Resolution** Requesting the Congress of the United States to Appropriate Moneys for the Removal of Certain Abandoned Military Installations.

WHEREAS, certain land in Honolulu, Oahu, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898 (30 Stat. 750), and reserved for military purposes as a part of the Fort Ruger Military Reservation, was returned to the jurisdiction and control of the Territory by Executive Order 10268 of July 5, 1951, of the President of the United States as being no longer required in the interests of national defense; and

WHEREAS, there is situated upon such land certain abandoned military installations of no salvageable value, the removal of which has been estimated at \$75,000; and

WHEREAS, though said land is in the heart of the residential district of Honolulu and its immediate conversion to such use to alleviate the existing housing shortage is most urgent, the existence of such abandoned military installations is a strong deterrent to the proper and orderly development of such area; that such installations are unsightly and will greatly detract from the desirability of such land for homesites; and

WHEREAS, the cost of removal of such installations initially erected not only for the protection of the peoples of the Territory of Hawaii but for the protection of all of the peoples of the United States, should in all equity and justice be shared by all of the peoples to whom such protection was afforded; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States be and it is hereby respectfully requested to appropriate to the government of the Territory of Hawaii the sum of \$75,000 for expenditure by the commissioner of public lands in the removal of certain abandoned military installations situate on Tract No. 4 of Presidential Executive Order 10268 of July 5, 1951.

SECTION 2. Certified copies of this Joint Resolution shall be transmitted to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 9, 1953.) **H. J. R. 52, J. R. 27.**

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### J. R. 28

**Joint Resolution** Approving the Plan Recommended by the Corps of Engineers, U. S. Army, for the Protection of the Existing Shore Facilities, Preventing Further Erosion and of Restoring and Increasing Usable Recreational Beach Areas.

WHEREAS, at the expense jointly of the United States of America and the Territory of Hawaii, and certain contributors, there was made an exhaustive study "to determine the most suitable method of providing needed protection of the existing shore facilities, preventing further erosion, and of restoring and increasing the usable recreational beach area", and to determine the extent of Federal aid in effecting the desired improvement; and

WHEREAS, the report of that study has now received the approval and the indorsement of the Office of the Chief of Army Engineers and the Federal Beach Erosion Board; and

WHEREAS, the report and indorsements are currently being forwarded to the Congress of the United States of America; and

WHEREAS, it is proposed by that report that the Federal government contribute approximately \$227,000 to the completion of the project; and

WHEREAS, it is a requirement of the contribution that the plan of improvement contained therein be adopted; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The plan of improvement recommended by the Corps of Engineers, U. S. Army, and generally concurred in by the Federal Beach Erosion Board, as outlined in the report of the District Engineer, San Francisco District, Corps of Engineers, dated 15 December 1950, and further concurred in by the Board of Harbor Commissioners of the Territory of Hawaii, be, and it hereby is, adopted.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Army, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 9, 1953.) S. J. R. 81, J. R. 28.

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### J. R. 29

**Joint Resolution** Requesting the Congress of the United States to pass an Act authorizing the return of property acquired by the Territory of Hawaii and by the government of the several counties including the City and County of Honolulu from local residents during World War II.

WHEREAS, during World War II, several eleemosynary organizations whose members were persons of Japanese extraction, many of whom were citizens of the United States, owned real property; and

WHEREAS, such persons were made to feel that their loyalty was under grave suspicion, notwithstanding there was no basis for any suspicion; and

**RECONVEYANCE OF LAND GIVEN TO TERRITORY  
DURING WORLD WAR II**

**J. R. 29**

WHEREAS, it was made known to such persons that the suspicion, baseless though it was, might be somewhat allayed by the conveyance of the property aforesaid to the government of the Territory of Hawaii and to the government of the several counties including the city and county of Honolulu without monetary consideration; and

WHEREAS, the people of the Territory of Hawaii speaking through their legislators, feel that all such lands should be returned; now, therefore.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact the following law:

"A bill to provide for the return of certain lands acquired by the Territory of Hawaii and by the several counties including the City and County of Honolulu by gift.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

Section 1. That any provision of any other law to the contrary notwithstanding, the commissioner of public lands of the Territory of Hawaii, with the approval of the governor of the Territory of Hawaii, is hereby authorized and directed, for the sole consideration of the provisions of this Act, to reconvey to the persons and organizations who, during World War II, without monetary consideration conveyed to the government of the Territory of Hawaii and to the government of the several counties including the city and county of Honolulu land and property theretofore acquired by them for eleemosynary purposes.

Section 2. This Act shall take effect upon its approval."

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of the Interior, to the Delegate to Congress from Hawaii, and to the Mayor, Chairman and Executive Officer of the Board of Supervisors of the several counties including the city and county of Honolulu.

SECTION 3. This Joint Resolution shall take effect ten days after promulgation as required by Section 2 of the Revised Laws of Hawaii 1945.

(Approved May 12, 1953.) **S.J.R. 86, J.R. 29.**

## J. R. 30

**Joint Resolution** Restoring to the Territory  
of Hawaii the Possession, Use and Control of Cer-  
tain Land in the City of Honolulu.

WHEREAS, certain land at Kaakaukui, Honolulu, Oahu, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898 (30 Stat. 750), was initially reserved for naval purposes of the United States by action of the president and thereafter by a series of executive orders and congressionally authorized inter-departmental transfers set aside to the department of defense as a portion of the Fort Armstrong military reservation and to the general services administration (public health service) as a portion of its installation at the entrance of Honolulu harbor; and

WHEREAS, no present or foreseeable future military need exists for the continued retention by the department of defense of that portion of such land under its control; that a sufficiency of substitute facilities is available on other nearby military reservations on the island of Oahu to care adequately for all current and foreseeable future military activity; and

WHEREAS, said portion of such land under the control of the general services administration (public health service) is only a minor part of said public health service site, contains no improvements, is not being utilized for any purpose whatsoever, and no plans for utilization exists; and

WHEREAS, all of said land is situate in the heart of downtown Honolulu and is greatly needed for the proper civic growth of such city; that it is in the public interest that said land be returned to the Territory of Hawaii for governmental uses and purposes and for such other uses and purposes as are consistent with the land laws of said Territory; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States be, and it hereby is, respectfully requested to withdraw and restore to its previous status under the control of the Territory certain land more particularly described in the proposed form of bill hereinafter set forth; and to that end the Congress of the United States is hereby requested and urged to adopt a bill substantially in the following form, to wit:

**RESTORATION OF FORT ARMSTRONG AREA  
TO TERRITORY**

**J. R. 30**

"A bill to withdraw and restore to its previous status under the control of the Territory of Hawaii certain land at Kaakaukui, Honolulu, Oahu, Territory of Hawaii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That all of the following described land, together with improvements located thereon, situate at Kaakaukui, Honolulu, Oahu, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under joint resolution numbered 55 of July 7, 1898, (30 Stat. 750), is hereby restored to the possession, use and control of the government of the Territory of Hawaii:

Beginning at a point on the harbor line, being also the west corner of Parcel 7 of Honolulu harbor development of Pier 2 terminal, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'PUNCHBOWL' being 4667.70 feet south and 6234.84 feet west, and running by azimuths measured clockwise from true south:—

1. 309° 00'            60.00 feet along Parcel 7, Honolulu harbor development of Pier 2;
2. 219° 00'            20.00 feet along Parcel 7, Honolulu harbor development of Pier 2;
3. 309° 00'            153.00 feet along Governor's Executive Order No. 1081;
4. 38° 46'            523.18 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
5. Thence along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress), on a curve to the left with a radius of 110.00 feet, the chord azimuth and distance being: 353° 54' 10" 155.19 feet;

6. 309° 02' 20" 196.57 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
7. Thence along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress), on a curve to the left with a radius of 100.00 feet, the chord azimuth and distance being: 281° 01' 10" 93.96 feet;
8. 253° 00' 157.01 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
9. 219° 00' 59.33 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
10. 218° 57' 522.98 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
11. 129° 00' 40" 107.90 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);

**RESTORATION OF FORT ARMSTRONG AREA  
TO TERRITORY**

**J. R. 30**

12. 217° 08' 77.25 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
13. 128° 59' 30" 113.93 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress);
14. 218° 48' 30" 502.47 feet along the remainder of land transferred to the general services administration by the secretary of the army by letter dated November 12, 1949 as provided in the Act of June 16, 1949 (Public Law 105, 81st Congress), along government land restored to Territory of Hawaii by Presidential Executive Order No. 10309, dated December 3, 1951, along remainder of land transferred to the war department by the secretary of labor (by letter dated December 16, 1939);
15. 309° 00' 450.01 feet along the remaining portion of immigration station lot;
16. 240° 25' 161.35 feet along the remaining portion of immigration station lot;
17. 174° 25' 17.53 feet along the remaining portion of immigration station lot;
18. 264° 25' 132.00 feet along the remaining portion of immigration station lot, along land transferred to department of labor by the secretary of war (by letter dated December 20, 1939);
19. 354° 25' 185.08 feet along the west side of Ala Moana Road to concrete monument No. 2;
20. 325° 17' 192.75 feet along the west side of Ala Moana Road to concrete monument No. 3;



- |     |          |         |   |
|-----|----------|---------|---|
| 21. | 52° 23'  | 329.02  | feet along city and county sewer pumping station to concrete monument No. 4;  |
| 22. | 322° 23' | 199.75  | feet along city and county sewer pumping station to concrete monument No. 5;  |
| 23. | 52° 23'  | 797.92  | feet along the remaining portion of the land of Kaakaukui, L. C. Aw. 7712, Apana 6 to M. Kekuanaoa for V. Kamamalu (Quitclaim deed, Hawaiian Government to the Bernice Pauahi Bishop Estate, dated September 9, 1891 and recorded in Liber 135, Page 38), to concrete monument No. 6; |
| 24. | 52° 23'  | 2470.94 | feet along the remaining portion of the land of Kaakaukui, L. C. Aw. 7712, Apana 6 to M. Kekuanaoa for V. Kamamalu (Quitclaim deed, Hawaiian Government to the Bernice Pauahi Bishop Estate, dated September 9, 1891 and recorded in Liber 135, Page 38), over submerged area;        |
| 25. | 145° 00' | 200.98  | feet over submerged area;   |
| 26. | 189° 25' | 1206.87 | feet over submerged area;   |
| 27. | 219° 00' | 1685.55 | feet over submerged area and along the extension of the harbor line to the point of beginning and containing a total area of 73.99 acres, reserving, however, to the general services administration (U. S. public health service) the use and control of Pier 1.                     |

Section 2. This Act shall take effect upon its approval."

SECTION 2. The Secretary of Hawaii is hereby requested and directed to forward certified copies of this Joint Resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 18, 1953.) H. J. R. 84, J. R. 30.

## J. R. 31

**Joint Resolution** Requesting Congress of the United States of America to Pass Legislation Enabling the Hawaiian Homes Commission to Exchange Available Lands as Designated by the Hawaiian Homes Commission Act, 1920, for Other Public Lands.

WHEREAS, among lands classified as available lands under section 203, Hawaiian Homes Commission Act, 1920, there are many non-contiguous or disjointed parcels having little economic value by reason of size, difficulty of management, or potentiality for use for the purposes of said Act; and

WHEREAS, in the interests of more effective management and to better effectuate the purposes of said Act many of such areas should be consolidated; and

WHEREAS, no means presently exist to permit such consolidation, and enabling legislation is deemed necessary; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Congress of the United States of America through the Delegate to Congress from the Territory of Hawaii be, and it hereby is, requested to enact legislation permitting the Hawaiian Homes Commission to enter into exchanges involving available lands for the purposes of consolidating such holdings as above stated, and to that end the Congress of the United States of America is hereby requested and urged, through said Delegate to Congress, to adopt a bill substantially in the following form, to wit:

“A bill to enable the Hawaiian Homes Commission of the Territory of Hawaii to exchange available lands as designated by the Hawaiian Homes Commission act, 1920, for other public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled:

Section 1. That section 204 of the Hawaiian Homes Commission Act, 1920, as amended, be further amended by adding a new subparagraph thereto, designated subparagraph ‘(4)’, and to read as follows:

‘(4) the commission may, with the approval of the governor and the secretary of the interior, in order to consolidate its holdings or to better effectuate the purposes of this Act, exchange the title to available lands

for land, publicly owned, of an equal value. All lands so acquired by the commission shall assume the status of available lands as though the same were originally designated as such under section 203 hereof, and all land so conveyed by the commission shall assume the status of the land for which it was exchanged. The limitation imposed by section 73 (1) of the Hawaiian Organic Act and the land laws of Hawaii as to the area and value of land that may be conveyed by way of exchange shall not apply to exchanges made pursuant hereto. No such exchange shall be made without the approval of the commissioner of public lands and of two-thirds of the members of the board of public lands.'

Section 2. This Act shall take effect upon its approval."

SECTION 2. That certified copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 18, 1953.) **H. J. R. 97, J. R. 31.**

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### J. R. 32

**Joint Resolution** Requesting Congress to Amend the Hawaiian Homes Commission Act, 1920, to Provide Irrigated Pastoral Areas on Homes Commission Lands.

WHEREAS, in the development of the cattle industry throughout the United States, it has been found that the pasturage of cattle on irrigated pastures is both economically feasible and advisable; and

WHEREAS, this practice has also been found to be most advisable in the Territory of Hawaii; and

WHEREAS, there are several areas of available lands under the Hawaiian Homes Commission that are most suitable to this type of agriculture; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States is hereby requested to amend section 207 (LEASES TO HAWAIIANS, LICENSES), subsection (a) to read as follows:

“(a) The Commission is authorized to lease to native Hawaiians the right to the use of occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee; (1) not less than one nor more than forty acres of agricultural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not more than one acre of any class of land to be used as a residence lot; (5) not less than 40 nor more than 100 acres of irrigated pastoral lands: **Provided**, however, that, in the case of any existing lease of a farm lot in the Kalanianaʻole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the lessee concerned: **Provided**, further, that a lease granted to any lessee may include two detached farm lots located on the same island and within a reasonable distance of each other, one of which to be designated by the Commission, shall be occupied by the lessee as his home, the gross acreage of both lots not to exceed the maximum acreage of an agricultural or pastoral lot, as the case may be, as provided in this section.”

SECTION 2. Copies of this Joint Resolution shall be forwarded to the President of the United States, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 19, 1953.) **H. J. R. 98, J. R. 32.**

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### J. R. 33

**Joint Resolution** Requesting Congress of the United States to Authorize the Commissioner of Public Lands to Exchange Certain Public Lands for Private Lands of Equal Value Required by the City and County of Honolulu for School Purposes.

WHEREAS, certain privately owned lands are required by the city and county of Honolulu for school sites; and

WHEREAS, other lands of equal value, owned by the Territory, are available for exchanges with the owners of such privately owned lands; and

WHEREAS, in order to effect such exchanges the limitations imposed by section 73 (1) of the Hawaiian Organic Act should be waived; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Congress of the United States be, and it hereby is, respectfully requested to authorize the commissioner of public lands of the Territory of Hawaii to make certain exchanges of public lands without regard to acreage and value limitations for the purpose of acquiring privately owned land needed as public school sites; and to that end the Congress of the United States is requested and urged to adopt a bill substantially in the following form, to wit:

"A bill to authorize the Commissioner of Public Lands of the Territory of Hawaii to exchange certain public lands for private lands of equal value required for school purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. Any limitations imposed by section 73 (1) of the Hawaiian Organic Act (31 Stat. 141), to the contrary notwithstanding, the commissioner of public lands, with the approval of the governor and two-thirds of the members of the board of public lands, is authorized to exchange public lands for private lands of equal value required by the city and county of Honolulu as school sites for the Kahala Elementary School, Waialae High School and Koko Head Elementary School on the island of Oahu.

Section 2. The lands received in the exchange authorized by section 1 shall, except as otherwise provided, have the same status and be subject to the same laws as the lands given in the exchange.

Section 3. This Act shall take effect upon its approval."

SECTION 2. That certified copies of this Joint Resolution shall be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 19, 1953.) **H. J. R. 99, J. R. 33.**

**J. R. 34**

**Joint Resolution** Requesting the Congress of the United States to Include Rice and Taro Grown in the Territory Under the Federal Agricultural Price Support Program.

WHEREAS, the products of taro and rice constitute the staple diet of a majority of the people of the Territory; and

WHEREAS, the Territory is presently dependent upon outside sources for almost all of the rice consumed in the Territory; and

WHEREAS, the people of the Territory have from time to time suffered from a shortage in the supply of rice and from high prices resulting therefrom; and

WHEREAS, the geographical position of the Territory makes it essential to produce locally as much of such staples as possible; and

WHEREAS, it is the consensus of the legislature that the continued deterioration of the taro and rice industries in the Territory and the continued decrease in supply of the products of such industries is inimical to the public interest, and that in the interest of and for the welfare of the people of the Territory it is necessary to rehabilitate and to encourage the development of these basic agricultural industries; and

WHEREAS, the Congress has passed numerous legislative measures assisting farmers to obtain parity prices for basic agricultural commodities; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Congress of the United States of America be, and it is hereby respectfully requested to enact legislation authorizing and directing the Secretary of Agriculture to include rice and taro grown in the Territory of Hawaii among the basic agricultural commodities which are under the provisions of price support programs administered by the Commodity Credit Corporation of the Department of Agriculture.

SECTION 2. That authenticated copies of this Resolution be forwarded forthwith to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

(Approved May 20, 1953.) **H. J. R. 2, J. R. 34.**

**J. R. 35**

**Joint Resolution** Authorizing the Hawaii Aeronautics Commission to Abandon Morse Airfield at South Point, Kau, Hawaii, and to Establish a New Airfield at Naalehu, Hawaii.

WHEREAS, inquiries made of common carriers of passengers and freight have disclosed the inadvisability of the continuation of Morse Airfield at South Point, Kau, Hawaii, because of its distance from the center of population of Kau district, and also its present dilapidated condition; and

WHEREAS, there is a definite need for an airfield to replace Morse Airfield when abandoned, and Naalehu is the ideal location for such airfield; and

WHEREAS, the various communities in Kau district have evinced a strong support for the construction of an airfield in Kau; and

WHEREAS, the Hutchinson Sugar Plantation Company of Naalehu, Hawaii, has offered to make certain of its lands available for such purpose; and

WHEREAS, the construction of this airfield will expedite the general economic development of this area; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Hawaii Aeronautics Commission is hereby authorized to abandon Morse Airfield at South Point, Kau, Hawaii, and to establish a new airfield at Naalehu, Hawaii.

SECTION 2. The territorial airport fund, or so much thereof as may be necessary, may be expended to carry out the purposes of the same.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 20, 1953.) **H. J. R. 107, J. R. 35.**

**J. R. 36**

**Joint Resolution** Requesting the Congress of the United States of America to Enact Legislation Whereby the Wooden Buildings Now Located at Mana Airport Base, Kauai, be Transferred to the County of Kauai.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Congress of the United States of America be and it is hereby respectfully requested to enact legislation whereby the wooden buildings erected by the United States of America at Mana Airport Base, Kauai, and not being used by said United States be transferred to the county of Kauai.

SECTION 2. That duly certified copies of this Resolution be transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of National Defense, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 21, 1953.) **H. J. R. 88, J. R. 36.**

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### J. R. 37

**Joint Resolution** Requesting the Congress of the United States of America to Enact Legislation Authorizing the Hawaiian Homes Commission to Exchange Certain "Available Land" and Certain Easements on the Island of Hawaii as Designated by the Hawaiian Homes Commission Act, 1920, for Certain Privately Owned Land on Said Island.

WHEREAS, the Ahupuaa of Puukapu situated at Wai-mea, South Kohala, island of Hawaii, has been designated and set apart as "available land" and placed under the control of the Hawaiian homes commission by the Hawaiian Homes Commission Act of 1920 (48 U.S.C.A. 691), and amendments thereto; and

WHEREAS, Richard Smart, an American citizen, owns in fee simple a tract of land situate at Hamakua, Hawaii, consisting of all of the land of Waikoloa 1st, a portion of the land of Waikoloa 2nd, all of the land of Waialeale 2nd, and a portion of the land of Waialeale 1st, containing a total area of 1,225 acres; and also certain kuleanas situate within said Ahupuaa of Puukapu, containing an area of 31.474 acres, and, in addition, claims title to or interest in that certain kuleana within said Ahupuaa of Puukapu designated as Land Commission Award 4210B, Royal Patent 6835, to "Wawaeluhi ia



Mokuhia", and containing an area of three acres by reason of the fact that he and his predecessors in interest have for more than ten years past been in the open, notorious, adverse, continuous and exclusive possession of said kuleana; and

WHEREAS, the Hawaiian homes commission, after careful investigation, believes that an exchange whereby a portion of said Ahupuaa of Puukapu, containing a net area of 994.25 acres, is conveyed to said Richard Smart in return for the conveyance by him to said commission of said area of 1,225 acres, said area of 31.474 acres, and of his right, title and interest in and to said parcel of three acres, would be for the benefit of the commission, and that said tract of 1,225 acres, said 31.474 acres and said parcel of three acres, would fit in better with the objects and purposes of the commission, and that the fair market value of said 1,225 acres, plus said 31.474 acres and said three acres, is fully as great as that of the said 994.25 acres and the perpetual easements for pipelines hereinafter mentioned (all more fully described in the form of Bill made a part hereof); now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact legislation permitting and authorizing the Hawaiian homes commission, upon being satisfied of the validity of the fee simple title of Richard Smart to said 1,225 acre tract, said 31.474 acre tract and of a claim or interest in said three acre tract, to convey to the said Richard Smart 994.25 acres of the said Ahupuaa of Puukapu, and the perpetual easements described in said proposed Bill, in exchange for the conveyance by him to said commission of said 1,225 acre tract, said 31.474 acre tract, and all of his right, title and interest in said three acre tract, said tracts, when so conveyed, to constitute and become "available land" within the meaning of said Hawaiian Homes Commission Act of 1920, and the Congress of the United States of America is requested to enact and adopt a Bill in substantially the following form, to wit:

"A bill to authorize the Hawaiian Homes Commission to exchange certain Hawaiian Homes Commission land and certain easements for certain lands in private ownership.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. The Hawaiian homes commission is hereby authorized and empowered to convey to Richard Smart,

an American citizen, the following described tract of 'available land' designated herein as 'Tract 1', and also perpetual easements for pipeline purposes along and across the areas described as 'Tract 2', in exchange and return for the conveyance in fee simple to the commission by said Richard Smart of the tracts of land hereinafter described as 'Tracts 3 and 4', and also the conveyance of all of his right, title and interest in the land hereinafter described and designated as 'Tract 5', the said tracts being described as follows, subject to minor variations:

## TRACT 1

Being a portion of the Hawaiian homes land of Puukapu at Waimea, South Kohala, Hawaii:

Beginning at the most northerly corner of this piece of land on the south side of Mamalahoa Highway, the same being also the northwest corner of Grant 4955 to J. T. Baker, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'West Base' being 1003.50 feet south and 350.76 feet west, thence running by azimuths measured clockwise from true south:

1. 336° 52' 1173.10 feet along Grant 4955 to J. T. Baker;
2. 254° 51' 590.26 feet along same;
3. 329° 08' 2488.30 feet along fence, along the remainder of the land of Puukapu to corner of fence;
4. 329° 08' 750.00 feet along the remainder of the land of Puukapu;
5. 254° 45' 1127.17 feet along the remainder of the land of Puukapu to fence;
6. 329° 08' 1089.30 feet along fence, along the remainder of the land of Puukapu;
7. 352° 29' 15" 6140.05 feet along the remainder of the land of Puukapu to a 2 inch pipe in concrete monument at an angle in the boundary between the lands of Puukapu and Waikoloa;
8. 95° 07' 1325.30 feet along the land of Waikoloa;
9. 107° 28' 30" 2966.90 feet along the land of Waikoloa to a 1 inch pipe in concrete monument;

10.	115° 17' 30"	2360.60	feet along the land of Waikoloa to the southeast boundary of the new Kamuela Airport;
11.	232° 00'	2802.55	feet along the southeast boundary of the new Kamuela Airport;
12.	142° 00'	600.00	feet along the northeast boundary of the new Kamuela Airport;
13.	52° 00'	3104.43	feet along the northwest boundary of the new Kamuela Airport to the boundary between the lands of Puukapu and Waikoloa;
14.	115° 17' 30"	175.94	feet along the land of Waikoloa to an old † on rock;
15.	153° 06'	977.13	feet along the land of Waikoloa to a concrete monument;
16.	155° 02'	1150.60	feet along the land of Waikoloa to an old † on rock;
17.	210° 53'	1218.50	feet along the land of Waikoloa to a concrete monument marked †;
18.	209° 10'	530.30	feet along the land of Waikoloa to a concrete monument marked †;
19.	199° 27' 30"	272.60	feet along the land of Waikoloa to a concrete monument marked †;
20.	240° 10'	179.50	feet along the land of Waikoloa to an old † on rock;
21.	164° 42'	353.24	feet along the land of Waikoloa to a concrete monument marked †;
22.	252° 16' 30"	305.90	feet along the land of Waikoloa to a pipe in concrete;
23.	240° 51'	197.90	feet along the land of Waikoloa to a concrete monument marked †;
24.	213° 27'	307.90	feet along the land of Waikoloa to a concrete monument marked †;
25.	186° 14'	751.75	feet along the land of Waikoloa to a concrete monument marked †;

26. 229° 32'	159.90	feet along the land of Waikoloa to a concrete monument marked †;
27. 245° 29'	403.60	feet along the land of Waikoloa to a concrete monument marked †;
28. 188° 01' 30"	209.05	feet along the land of Waikoloa to a concrete monument marked †;
29. 182° 14'	452.10	feet along the land of Waikoloa to a concrete monument marked †;
30. 205° 48'	530.42	feet along the land of Waikoloa to a concrete monument marked †;
31. 205° 59' 30"	414.10	feet along the middle of old stonewall, along the land of Waikoloa to a concrete monument marked †;
32. 238° 57' 30"	105.58	feet along the southeast side of old stonewall, along the remainder of the land of Waikoloa to a concrete post marked †;
33. 239° 43' 30"	259.40	feet along the southeast side of old stonewall, along the remainder of the land of Waikoloa to a pipe on the northeast side of stonewall, and passing over a pipe in concrete in stonewall at 257.40 feet;
34. 156° 48'	461.45	feet along northeast side of old stonewall along the remainder of the land of Waikoloa to a concrete monument marked †;
35. 187° 29'	285.30	feet along the land of Waikoloa to a concrete monument marked †;
36. 129° 08'	106.77	feet along the land of Waikoloa to the south side of the Mamalahoa Highway;
37. 262° 19'	49.92	feet along the south side of Mamalahoa Highway to the point of beginning and containing a gross area of 1030.82 acres and a net area of 944.25 acres after excepting and res-

erving therefrom all Grants and Land Commission Awards and portions of same containing an area of 36.57 acres.

## TRACT 2

## EASEMENTS

PARCEL 'P'. Perpetual pipeline easement through the Hawaiian homes land of PAUAHI at Waimea, South Kohala, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the northeast end of this easement (3.00 feet wide) in the middle of the Manaewa Gulch which is also the boundary between the lands of Momoualoe and Pauahi, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'PUU KAWAIWAI 1948', being 1551.69 feet north and 6153.45 feet east, thence running along the center line by azimuths measured clockwise from true south:

- |     |             |  |
|-----|-------------|--|
| 1.  | 54° 00'     | 59.00 feet;  |
| 2.  | 58° 07'     | 158.90 feet;   |
| 3.  | 59° 40'     | 180.35 feet;   |
| 4.  | 59° 10' 30" | 342.50 feet;   |
| 5.  | 56° 18'     | 25.80 feet;  |
| 6.  | 59° 38'     | 341.10 feet;   |
| 7.  | 59° 26' 30" | 364.50 feet;   |
| 8.  | 81° 57'     | 25.00 feet;  |
| 9.  | 92° 52'     | 81.50 feet;  |
| 10. | 94° 10' 30" | 113.00 feet, to the middle of the Umi-poho Gulch which is also the boundary between the lands of Pauahi and Kapia, containing an area of 5075 square feet. |

PARCEL 'T'. Perpetual pipeline easement through the Hawaiian homes land of PUUKAPU at Waimea, South Kohala, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the southwest end of this easement (3.00 feet wide) and on the boundary between the lands of Waikoloa and Puukapu, the true

azimuth and distance from a 3" pipe marking a boundary corner of the lands of Waikoloa and Puukapu, being  $97^{\circ} 39' 43''$  590.50 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station 'WEST BASE', being 13441.60 feet south and 16040.80 feet east, thence running along the center line as follows on the following approximate azimuths and distances:

1.  $224^{\circ} 00'$  1450 feet through the land of Puukapu;
2.  $236^{\circ} 00'$  5650 feet through the land of Puukapu to the west boundary of R. P. 4945, L. C. Aw. 4348-B to Harry Purdy, containing an area of 0.49 acre.

PARCEL 'U'. Perpetual pipeline easement through the Hawaiian homes land of KAMOKU at Hamakua, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the southwest end of this easement (3.00 feet wide) and on the boundary between the land of Kamoku and Grant 632 to G. S. Kenway, the approximate coordinates of said point of beginning referred to Government Survey Triangulation Station 'PUU IO', being 14700 feet north and 1090 feet west, thence running along the center line as follows on the approximate azimuth and distance:

1.  $235^{\circ} 30'$  6000 feet through the Hawaiian homes land of Kamoku to the boundary between the lands of Kamoku and Kapoaula, containing an area of 0.41 acre.

PARCEL 'W'. Perpetual pipeline easement through the Hawaiian homes land of NIENIE at Hamakua, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the south end of this easement (3.00 feet wide) and on the boundary between the lands of lower Paauhau and Nienie, the true azimuth and approximate distance from Government Survey Triangulation Station 'PUU NOHU',  $252^{\circ} 00'$  5950 feet

more or less, thence running along the center line as follows on the approximate azimuth and distance:

1.  $187^{\circ} 30'$  900 feet through the land of Nienie to the middle of the Kahaupu Gulch, containing an area of 0.06 acre.

### TRACT 3

### WAIKOLOA — WAIALEALE LANDS

Being all of Waikoloa 1st and Waialeale 2nd covered by Boundary Certificate No. 20; a portion of Waikoloa 2nd, L. C. Aw. 9971 Apana 4 to W. P. Leleiohoku; a portion of Waikoloa 1st, Grant 791 to J. P. and E. Parker; a portion of Waialeale 2nd, Grant 868 to J. P. and E. Parker and a portion of Waialeale 1st, L. C. Aw. 9971 Apana 8 to W. P. Leleiohoku; situated at Hamakua, Hawaii:

Beginning at a concrete post marked † near the southwest corner of this piece, the true azimuth and distance to 'Camp Triangulation Station' (marked by a  $\Delta$  on concrete post, on top of prominent knoll, about 1100 feet north of the government road and about 1700 feet west from Waikoloa Gulch) being  $262^{\circ} 33' 1143.5$  feet and from said Camp Triangulation Station and true azimuth and distance to Kamakaukuapuu Triangulation Station (marked by  $\Delta$  on concrete post) being  $311^{\circ} 11' 30'' 5044.0$  feet and the coordinates of said Camp Triangulation Station referred to Government Survey Triangulation Station 'PUU IO' are 23673.9 feet north and 1595.3 feet east, thence running by azimuths measured clockwise from true south, but subject to minor variations:

1.  $179^{\circ} 51'$  1317.8 feet along the government land of Kamoku to a concrete post marked †;
2.  $192^{\circ} 24'$  561.5 feet along same to a concrete post marked †;
3.  $183^{\circ} 05'$  3437.6 feet along same, and cutting through reservoir to a concrete post marked † just north of the fence around said reservoir;
4.  $190^{\circ} 25'$  1192.0 feet along same to a concrete post marked † on small knoll;
5.  $219^{\circ} 15'$  953.0 feet along same to a concrete post marked †;
6.  $212^{\circ} 58'$  461.0 feet along same and passing over a concrete post marked † at 457.8 feet, to an old rock

- marked † and ahu, at Pulupakea near the east edge of small gulch;
- |     |              |        |   |
|-----|--------------|--------|---|
| 7.  | 209° 16' 30" | 1353.0 | feet along same to a concrete post marked †;  |
| 8.  | 216° 36'     | 2027.4 | feet along same to a concrete post marked †;  |
| 9.  | 206° 14'     | 1753.0 | feet along same to a concrete post marked †;  |
| 10. | 86° 25'      | 464.0  | feet along same to large rock in gulch marked XII, also a concrete post by said rock; |

Thence down along the center of small gulch in all its turns and windings, along the government remainder of Puanui and Grant 1767 to Kahooma to a concrete post marked † on the east edge of gulch, the direct azimuth and distance being,

- |     |          |        |  |
|-----|----------|--------|--|
| 11. | 190° 45' | 3190.0 | feet;  |
| 12. | 214° 18' | 420.0  | feet along Grant 1767 to Kahooma to a concrete post marked †;  |
| 13. | 182° 24' | 365.0  | feet along Grant 1765 to Paele to a concrete post marked † on ridge;   |
| 14. | 270° 33' | 2356.0 | feet across the lands of Waikoloa 2nd, and 1st, and Waialeale 2nd and 1st, along the Pacific Sugar Mill Company's land to a concrete monument; |
| 15. | 16° 20'  | 2900.0 | feet along Grant 2124 to Haalau to a † on rock in stream at the head of waterfall in same;   |

Thence following up along the center of the Kapulena Gulch in all its turns and windings, along the government land of Kapulena to a concrete monument marked † at the junction of a small gulch from the east with the Kapulena Gulch, the direct azimuth and distance being,

- |     |          |        |  |
|-----|----------|--------|--|
| 16. | 8° 10'   | 5702.0 | feet;  |
| 17. | 17° 31'  | 726.0  | feet along the government land of Kapulena to a concrete post marked † on pali, on the west side of gulch; |
| 18. | 330° 42' | 463.0  | feet along same to a concrete monument marked † in gulch;  |
| 19. | 17° 12'  | 3584.0 | feet along same to a concrete monument marked †;   |



- |     |             |         |   |
|-----|-------------|---------|---|
| 20. | 18° 24' 30" | 2206.75 | feet along same to a concrete monument marked †;  |
| 21. | 23° 34'     | 494.7   | feet along same to a concrete monument marked †;  |
| 22. | 37° 50'     | 1793.95 | feet along same to an old † on large rock on the west edge of stream in Waikoloa Gulch;               |
| 23. | 98° 05'     | 2048.17 | feet along the government land of Kamoku to a concrete monument marked † on the side of a small rise; |
| 24. | 173° 33'    | 794.8   | feet along same to the point of beginning and containing an area of 1225 acres.                       |

## TRACT 4

- A. R.P. 6848, L. C. Aw. 4183-B, to Kanaue, containing an area of three acres;
- B. L. C. Aw. 3842, Ap. 1 and 2, to Kaulunui, containing an area of 3.24 acres;
- C. R.P. 6836, L. C. Aw. 4227, AP. 1, to Kaulunui, containing an area of three acres;
- D. R.P. 6834, L. C. Aw. 3685, AP. 1 and 2, to Mahoe, containing an area of 3.248 acres;
- E. R.P. 7334, L. C. Aw. 4130, AP. 1 and 2, to Kanakaole, containing an area of 3.245 acres;
- F. R.P. 7684, L. C. Aw. 4132, AP. 1 and 2, to Kaina ia Kanekuapuu, containing an area of 3.248 acres;
- G. R.P. 8445, L. C. Aw. 4218, AP. 1 and 2, to Kaohimaunu, containing an area of 3.245 acres;
- H. L. C. Aw. 3686, AP. 1, to Muluhi, containing an area of three acres;
- I. R.P. 6271, L. C. Aw. 4183, AP. 1, to Kaluahinenui and Kanaue, containing an area of three acres;
- J. R.P. 7675, L. C. Aw. 4210, AP. 1 and 2, to Kalua, containing an area of 3.248 acres;
- K. L. C. Aw. 4212, AP. 2, to James Hanehane, containing an area of 0.248 acres.

## TRACT 5

R.P. 6835, L. C. Aw. 4210-B, to Wawaeluhi ia Moku-hia, containing an area of three acres.

Section 2. The said 'Tracts 3, 4 and 5', upon the conveyance thereof to the commission, shall be and become 'available land' within the meaning of said Hawaiian Homes Commission Act of 1920, and any amendments thereto.

Section 3. The exchange which is provided for in this Act shall not be effected by the Hawaiian Homes Commission unless and until the values of the lands involved in the proposed exchange are first determined by appraisals to be made by three competent appraisers to be appointed by the governor of the Territory of Hawaii showing that the lands belonging to Richard Smart are of equal or greater value than the Hawaiian Homes Commission lands above mentioned.

Section 4. This Act shall take effect upon its approval."

SECTION 2. That certified copies of this Joint Resolution shall be transmitted to the President of the United States of America, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 22, 1953.) **H. J. R. 77, J. R. 37.**

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**J. R. 38**

**Joint Resolution** for the Relief of Solomon K. Lalakea and Others; Appropriating Funds to Reimburse Them for Real Property Taxes Paid on Lands Acquired by the Territory for Public Use and Providing for Repayment to the General Fund of the Territory.

WHEREAS, on April 1, 1946, there was a tidal wave which destroyed the buildings on real property (hereinafter called the "Lalakea waterfront lands") owned by Solomon K. Lalakea (hereinafter called "Lalakea"), which property is located in Hilo on the island of Hawaii and is better designated on the real property tax maps of the tax commission of the Territory of Hawaii as Tax Key No. 2-3-02-04; and

WHEREAS, after said tidal wave the board of supervisors for the county of Hawaii declared said Lalakea waterfront lands to be part of a "safety zone", within which zone buildings were forbidden to be erected; and

WHEREAS, on September 4, 1946, the board of supervisors of the county of Hawaii passed Resolution No. 844, by the terms of which the land commissioner of the Territory

**J. R. 38 REIMBURSEMENT PROPERTY TAXES, HILO, HAWAII**

of Hawaii was requested to negotiate as soon as practicable with certain land owners in the above mentioned newly created "safety zone" to the end that there would be an exchange of private lands in said area for government lands available therefor in the same county of Hawaii; and

WHEREAS, in April, 1947, said Lalakea did apply to the Hawaii county building inspector for a permit to construct a commercial building on said land in order to produce income therefrom, and said permit was refused him by said county building inspector on the ground that the area was then zoned as a "safety zone" and limited to public use; and

WHEREAS, on November 5, 1947, the board of supervisors of the county of Hawaii supplemented their Resolution No. 844 by passing Resolution No. 414, by the terms of which the land commissioner of the Territory of Hawaii and the governor of the Territory of Hawaii were requested to effect measures in order to acquire said Lalakea waterfront lands by exchange, purchase or condemnation; and

WHEREAS, said Lalakea did make protest to the payment of his 1947 property taxes on grounds that he was not being allowed the use thereof, but made payment after the Hilo tax assessor denied his protest of payment; and

WHEREAS, the Territory of Hawaii did bring a condemnation suit in the third circuit court against said Solomon K. Lalakea and Mollie P. Lalakea, his wife, being Law No. 2533, and entitled "Territory of Hawaii, by Walter D. Ackerman, Jr., its Attorney General, Plaintiff, vs. Solomon K. Lalakea and Mollie P. Lalakea, Defendants"; and

WHEREAS, said Lalakea did bring suit for damages against the county of Hawaii, being Law No. 2714, and entitled "Solomon K. Lalakea, Plaintiff, vs. The County of Hawaii, Defendant," for use of and damage to said premises by said county without authority of law; and

WHEREAS, in April, 1949, said Lalakea did apply to the planning and traffic commission of Hilo for a permit to construct and operate a gasoline station, a hot dog stand, and a parking concession on his said property, but such permit was denied him; and

Whereas, in the year 1951, said Lalakea did apply to the tax assessor to have the assessment on his property reduced by reason of the fact that he was not being allowed to produce income therefrom, but such plea was denied; and

WHEREAS, on December 31, 1952, an exchange of property was negotiated between said Lalakea and the Territory

of Hawaii, whereby said Lalakea waterfront lands were acquired by said Territory in exchange for other territorial lands which said Lalakea had been seeking and willing to acquire in such exchange during and since the year 1947, and whereby the aforementioned suit by said Lalakea, being Law No. 2714, was discontinued with prejudice to plaintiff, and said condemnation suit was agreed to be dismissed under a covenant by said Lalakea not to sue said Territory, county, or any agency, officer, employee or agent thereof, with respect to the lands involved in either or both of said actions, but reserving the right to apply to this legislature for relief by way of an alleged moral obligation claimed by said Lalakea; and

WHEREAS, said Lalakea has been forced to pay property taxes on his property for the years from 1947 through 1951 at the full assessment rate despite the fact that he has been denied the use of his lands, the amounts which he has so paid to the Territory of Hawaii being as follows:

1947.....	\$1,338.90
1948.....	931.02
1949.....	919.20
1950.....	808.94
1951.....	790.88
	<hr/>
	\$4,788.94 (being the total tax paid for this period);

and

WHEREAS, this legislature finds that there is a moral obligation upon the Territory to, and equity and justice require that the Territory, reimburse said Lalakea for the actual losses suffered by him by reason of his being forced to surrender his land against his will and also to continue payment of property taxes on this land without being allowed the opportunity to reap any benefit from the lands pending the condemnation proceedings and the negotiations for exchange; and

WHEREAS, said Lalakea is not seeking either interest or damages for said deprivation of use to him of his land or any other relief beyond the mere reimbursement of said taxes so paid; and

WHEREAS, there are others in the same inequitable position, more or less, as the said Lalakea; now, therefore,  
*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There be appropriated from the territorial general fund the sum of \$13,413.09, which sum is authorized

and directed to be paid the following named persons in the amounts set opposite their respective names, to reimburse them for real property taxes paid to the Territory of Hawaii for the period of time during which they were denied the use of said property until the Territory of Hawaii gained title thereto; said persons entitled to reimbursements are as follows:

(1) Solomon K. Lalakea .....	\$ 4,788.94
(2) Koichi Taniguchi .....	833.54
(3) Ruddle Sales & Service Co., Ltd. ....	178.82
(4) Hichizo Kuniyoshi .....	117.29
(5) Hikotaro Ohara .....	908.16
(6) Yasuyuki Kurokawa .....	912.20
(7) Satoshi Tsubaki .....	852.01
(8) Hawaiian Broadcasting System, Ltd. ....	216.60
(9) Misao Miyamoto .....	1,015.12
(10) I. Kitagawa & Co. ....	375.34
(11) Takashi Morimoto .....	452.37
(12) Ruddle Sales & Service Co., Ltd. ....	676.50
(13) Sadaichi Kasamoto .....	637.22
(14) Isao Kashimoto .....	575.33
(15) Charles A. Goo .....	873.65
<b>TOTAL .....</b>	<b>\$13,413.09</b>

SECTION 2. The money herein appropriated shall constitute an advancement to the county of Hawaii and shall be repaid by the treasurer of the Territory into the general fund of the Territory by retaining such amount from the next collection of real property taxes on account of the county of Hawaii and paying the same into the general fund of the Territory.

SECTION 3. This Joint Resolution shall take effect ten days after promulgation thereof, as required by section 2, as amended, of the Revised Laws of Hawaii 1945.

(Approved May 26, 1953.) **S. J. R. 80, J. R. 38.**

### **J. R. 39**

**Joint Resolution** Requesting the Congress of the United States to Enact Legislation Permitting the Exchange of Certain Lands in the County of Hawaii and Authorizing and Directing the Commissioner of Public Lands to Make Such Transfer Upon the Approval of Congress.

WHEREAS, the Territory of Hawaii is desirous of developing agricultural lands in the vicinity of Waimea, County of Hawaii; and

WHEREAS, a consolidation of public lands in that area would expedite the subdivision of said lands and facilitate their irrigation; and

WHEREAS, Richard Smart, doing business as the Parker Ranch and owner of lands contiguous to those of the Territory in the vicinity of Waimea, Hawaii, has expressed his willingness to accept some 288.00 acres of territorial land in exchange for some 307.93 acres of land held by the said ranch (described herein), to the end that his lands, as well as those of the Territory, may be consolidated for more economic management; and

WHEREAS, the lands to be exchanged are of somewhat similar quality, while those to be received by the Territory are more suitable for agricultural purposes and would form an area adaptable to irrigation as well as to subdivision into regularly shaped parcels; and

WHEREAS, said transfer of land, desired by this Legislature as being in the public interest, requires the consent of Congress, since the acreage and value of the land to be exchanged exceeds the limits prescribed by section 73(1) of the Hawaiian Organic Act as to exchanges of public lands which can be effected by the Territory upon its own authority; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States is hereby respectfully requested to enact legislation permitting the Territory of Hawaii to exchange certain lands in the vicinity of Waimea, county of Hawaii, for lands of the Parker Ranch in the same vicinity (described herein), for the purpose of consolidating public holdings to facilitate their irrigation and use as agricultural lands. To make possible this consolidation, the Congress of the United States is hereby requested to enact a bill, substantially in the following form, to wit:

“A bill permitting the exchange of certain public lands in the vicinity of Waimea, County of Hawaii, in the Territory of Hawaii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. The commissioner of public lands of the Territory of Hawaii, any provision of the Hawaiian Organic Act to the contrary notwithstanding, is hereby authorized to transfer to Richard Smart, doing business

as the Parker Ranch, in exchange for the lands of said Richard Smart described in section 2, the public land described by the following metes and bounds, but subject to minor variations therein:

'Being a portion of the land of Lalamilo at Waimea, South Kohala, Hawaii.

Beginning at a pipe at the southeast corner of this piece of land on the west side of Mamalahoa Highway, and on the boundary between the lands of Lalamilo and Waikoloa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 7907.51 feet North and 9579.87 feet East, thence running by azimuths measured clockwise from true South:

1. 61° 19'      379.12 feet along the land of Waikoloa to a pipe at fence;
2. 95° 47'      449.04 feet along fence, along the remainder of the land of Lalamilo;
3. 126° 30'      2104.59 feet along the remainder of the land of Lalamilo to a concrete post marked †;
4. 126° 30'      1160.00 feet along the land of Lihue, Grant 1157 to G. W. Macy and James Louzada to a concrete post marked †;
5. 124° 39' 15" 1937.06 feet along the remainder of the land of Lalamilo;
6. 151° 55'      2665.00 feet more or less along the remainder of the land of Lalamilo to the South side of the Kamuela - Mahukona Road, Federal Aid Project No. E-11-A;
7. 275° 22'      110.00 feet along the South side of the Kamuela-Mahukona Road, Federal Aid Project E-11-A;
8. 274° 51'      267.20 feet along same;
9. 4° 51'      375.90 feet along Executive Order 1554 (Public Works Department Corporation Yard);
10. 274° 51'      270.00 feet along Executive Order 1554 (Public Works Department Corporation Yard);
11. 184° 51'      187.46 feet along Executive Order 1554 (Public Works Department Corporation Yard);

12.	274° 51'	693.50	feet along County Garage Lot, Executive Order 1190;
13.	184° 51'	188.44	feet along same; Thence along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A on a curve to the left with a radius of 6030 feet, the chord azimuth and distance being,
14.	274° 29' 34"	75.20	feet;
15.	4° 51'	78.20	feet along Grant 10307 to Wm. S. M. Lindsey, et al.;
16.	274° 51'	213.60	feet along same;
17.	184° 51'	84.65	feet along same; Thence along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A on a curve to the left with a radius of 6030 feet, the chord azimuth and distance being,
18.	270° 37' 39"	310.95	feet;
19.	269° 09'	562.60	feet along the South side of the Kamuela - Mahukona Road, Federal Aid Project No. E-11-A;
20.	359° 09'	350.00	feet along Grant 11059, Apana 1 to A. W. Carter, Trustee;
21.	269° 09'	894.40	feet along same;
22.	179° 09'	282.10	feet along same;
23.	280° 27'	228.40	feet along the South side of the Kamuela - Mahukona Road, Federal Aid Project No. E-11-A; Thence still along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A on a curve to the right with a radius of 970 feet, the chord azimuth and distance being,
24.	285° 31'	171.30	feet;
25.	290° 35'	267.07	feet along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A;
26.	33° 12'	756.60	feet along the Northwest side of 40 feet road reservation and same extended to the north



			bank of the Waikoloa Stream; Thence following along the north bank of the Waikoloa Stream in all its turns and windings, along General Lease No. 3365, the direct azimuth and distance being,
27.	313° 30' 30"	799.50	feet;
28.	319° 30'	240.00	feet along General Lease No. 3381;
29.	70° 30'	157.55	feet along Grant 10171 to A. W. Carter, Trustee, to a con- crete post marked †;
30.	65° 31'	721.59	feet along L. C. Aw. 3202-B to Jose Bowers to a concrete post marked †;
31.	338° 57'	456.70	feet along same to a concrete post marked †;
32.	58° 05' 30"	691.00	feet along L. C. Aw. 8513-B to Kuamoo Hoolulu to a concrete post marked †;
33.	323° 10'	396.00	feet along same to a concrete post marked †;
34.	313° 24'	865.00	feet along same to a concrete post marked †;
35.	219° 26'	798.50	feet along same to a concrete post marked †;
36.	226° 34' 30"	323.30	feet along same to a concrete post marked †;
37.	317° 24' 30"	797.30	feet along General Lease No. 3381;
38.	308° 40'	140.00	feet along same;
39.	276° 10'	700.00	feet along same;
40.	250° 30'	580.00	feet along same;
41.	265° 00'	200.00	feet along same;
42.	290° 50'	250.00	feet along same;
43.	11° 00'	97.20	feet along Mamalahoa High- way;
44.	31° 37'	442.35	feet along same;
45.	77° 00'	248.56	feet along the land of Wai- koloa to a concrete post marked †;
46.	347° 06'	252.36	feet along the land of Wai- koloa;
47.	31° 37'	255.94	feet along Mamalahoa High- way;

- |     |             |        |   |
|-----|-------------|--------|---|
| 48. | 54° 51'     | 131.43 | feet along the land of Waikoloa to a concrete post marked †;  |
| 49. | 14° 05'     | 83.80  | feet along the land of Waikoloa to a concrete post marked †;  |
| 50. | 347° 24'    | 47.88  | feet along the land of Waikoloa; Thence along the West side of Mamalahoa Highway on a curve to the left with a radius of 1180.92 feet, the chord azimuth and distance being,  |
| 51. | 15° 44' 03" | 399.33 | feet;   |
| 52. | 6° 00'      | 106.86 | feet along the West side of Mamalahoa Highway to the point of beginning and containing a gross area of 292.50 acres and a net area of 288.00 acres after deducting therefrom L. C. Aw. 989 to John Davis (4.50 acres).' |

SECTION 2. The public lands whose exchange is authorized by section 1, hereinabove, may be transferred in exchange for two parcels owned by Richard Smart, doing business as the Parker Ranch, county of Hawaii, Territory of Hawaii, described by the following metes and bounds, but subject to minor variations therein:

#### Parcel I

'Being a portion of the land of Waikoloa situated on the west side of Mamalahoa Highway (Federal Aid Project No. 10-D) at Waimea, South Kohala, Hawaii.

Beginning at a pipe at the northeast corner of this piece of land, on the west side of Mamalahoa Highway (80 feet wide) Federal Aid Project No. 10-D, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 7694.64 feet north and 9552.47 feet east, thence running by azimuths measured clockwise from true south:

1. 6° 00' 1798.44 feet along the west side of Mamalahoa Highway (80 feet wide) Federal Aid Project No. 10-D;
2. 96° 00' 2400.00 feet along the remainder of the land at Waikoloa;
3. 244° 17' 1448.44 feet along the land of Lalamilo to a concrete post marked †;

- |             |        |   |
|-------------|--------|---|
| 4. 214° 54' | 343.30 | feet along the land of Lalamilo to a concrete post marked †;  |
| 5. 230° 44' | 508.10 | feet along the land of Lalamilo to a concrete post marked †;  |
| 6. 213° 20' | 204.60 | feet along the land of Lalamilo to a concrete post marked †;  |
| 7. 229° 50' | 99.00  | feet along the land of Lalamilo to a concrete post marked †;  |
| 8. 241° 19' | 212.90 | feet along the land of Lalamilo to a pipe at fence;   |
| 9. 275° 47' | 306.77 | feet along fence, along the remainder of the land of Waikoloa to the point of beginning and containing an area of 49.93 acres.' |

Parcel II

'Being all of the land of Lihue Grant 1157 to G. W. Macy and James Louzada situated at Waimea, South Kohala, Hawaii.

Beginning at a concrete post marked † at the most easterly corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 8359.31 feet north and 7238.68 feet east, thence running by azimuths measured clockwise from true south:

- |                 |         |   |
|-----------------|---------|---|
| 1. 43° 12'      | 3436.45 | feet along the land of Lalamilo to a concrete post marked †;  |
| 2. 104° 09' 30" | 1666.40 | feet along the land of Lalamilo to a concrete post marked †;  |
| 3. 184° 47' 10" | 3706.80 | feet along the land of Lalamilo to a concrete post marked †;  |
| 4. 259° 13'     | 1225.00 | feet along the land of Lalamilo to middle of stonewall;   |
| 5. 350° 19'     | 925.00  | feet along the middle of stonewall, along the land of Lalamilo to a pipe in the middle of stonewall, thence following up along the middle of stonewall along the land of Lalamilo, the direct azimuth and distance being, |
| 6. 250° 31'     | 1318.00 | feet to a concrete post marked †;   |
| 7. 306° 30'     | 1160.00 | feet along the land of Lalamilo to a concrete post marked †;  |

8. 349° 20' 675.00 feet along the land of Lalamilo to the point of beginning and containing an area of 258 acres more or less.'

SECTION 3. The lands granted by the Territory in exchange shall contain in the grants reservations to the Territory of appropriate easements for pipelines and utilities.

SECTION 4. The exchange which is provided for in this Act shall not be effected by the commissioner of public lands unless and until the values of the lands involved in the proposed exchange are first determined by appraisals to be made by three competent appraisers to be appointed by the governor of the Territory of Hawaii showing that the lands belonging to Richard Smart are of equal or greater value than the public lands above mentioned.

SECTION 5. This Act shall take effect on and after the date of its approval."

SECTION 2. Upon its approval, authenticated copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States, to the Delegate to Congress from Hawaii, to the Secretary of the Interior, and to the Commissioner of Public Lands of the Territory of Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 27, 1953.) S. J. R. 65, J. R. 39.

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### J. R. 40

**Joint Resolution** Requesting the Congress of the United States to Enact Legislation Requiring Federal Departments to Deduct From the Compensation Paid to Field Civilian Personnel of the Hawaii National Guard the Employees' Contribution to the Annuity Savings Fund of the Retirement System of the Territory on the Same Basis as Territorial Departments.

WHEREAS, under chapter 15 of the Revised Laws of Hawaii 1945, the laws of the Territory of Hawaii require each department of the Territory to deduct from the salary

of each member of the retirement system for each and every payroll period the proportion of earnable compensation of each member computed by the actuary of the system to be equal, when accumulated at regular interest until the member reaches age sixty, to the pension to which the member will then receive from the Territory; and

WHEREAS, field civilian personnel of the Hawaii National Guard are full-time employees of the military department of the Territory paid wholly from federal funds; and

WHEREAS, under its present laws, the United States does not require a payroll deduction on federal payrolls as and for these employees' contribution into the Territorial Retirement System for members of the system; and

WHEREAS, some three hundred twenty-five field civilian personnel of the Hawaii National Guard do not enjoy the benefits of the Territorial Retirement System by reason of the inability to obtain a payroll deduction of the contributions due from them into the Annuity Savings Fund of the Territorial Retirement System; and

WHEREAS, these field civilian personnel wish to obtain and enjoy and would otherwise enjoy the benefits of the Territorial Retirement System; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States is hereby respectfully requested and urged to enact legislation which will require the various departments of the federal government to deduct and pay over into the Annuity Savings Fund of the Retirement System of the Territory of Hawaii from the compensation paid to the field civilian personnel of the Hawaii National Guard the contribution due from such employees into such fund.

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved May 29, 1953.) H. J. R. 101, J. R. 40.

## J. R. 41

**Joint Resolution** Relating to the Care and  
Treatment of Persons Afflicted With Hansen's  
Disease.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any person on any island of the Territory of Hawaii who is suspected of being afflicted with Hansen's disease or known to be afflicted with Hansen's disease, or any person now undergoing treatment and receiving care for Hansen's disease at Hale Mohalu or any facility within the Territory of Hawaii, may, if he desires, be transferred to Kalaupapa Settlement for care and treatment. It is **provided**, however, that no person so transferred shall thereafter be entitled to be transferred again except at the direction of the board.

SECTION 2. Every effort shall be made by the board of health to carry out its policies adopted on February 15, 1951, particularly strict isolation and control of infectious cases of Hansen's disease to prevent its transmission to others.

SECTION 3. Uncooperative patients of Hale Mohalu shall be placed under stricter control and supervision.

SECTION 4. All patients on temporary release who can be rehabilitated shall be given such opportunity at Hale Mohalu or Kalaupapa where practicable. Following satisfactory rehabilitation and training, every effort shall be made to assist such patients in securing gainful employment becoming readjusted to a normal life in society.

SECTION 5. Every patient shall be encouraged to take complete treatment so that prompt recovery can be attained and shall be discharged as soon as possible.

SECTION 6. The board shall make the fullest possible use of the services of the Hansen's disease advisory committee for consultative and public relations services.

SECTION 7. Every Hansen's disease patient at Hale Mohalu and Kalaupapa shall be accorded as nearly equal care and privileges as is practicable under the different operating conditions of the two institutions.

SECTION 8. This Joint Resolution shall not, in any way, affect active patients, temporarily released patients or a fully discharged patient, who, before the passage of this Joint Resolution, have been or are now residing within the Kalaupapa Settlement.

**KAUAI COUNTY ACQUISITION KONOHIKI  
FISHING RIGHTS**

SECTION 9. All laws or parts of laws inconsistent with the provision of this Joint Resolution are to the extent of such inconsistency amended or repealed.

SECTION 10. This Joint Resolution shall take effect upon its approval.

(Approved June 1, 1953.) **H. J. R. 26, J. R. 41.**

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**J. R. 42**

**Joint Resolution** Authorizing the County of Kauai to Acquire Or Lease Fishing Rights in the Shore Waters of Kauai, Including the Rights-of-Way to the Fishing Grounds.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The county of Kauai is hereby authorized to acquire by agreement or to lease the konohiki fishing rights in the county of Kauai, including the rights-of-way to fishing grounds.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved June 1, 1953.) **H. J. R. 39, J. R. 42.**

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**J. R. 43**

**Joint Resolution** Establishing a Definition and Standard of Identity for Bread.

WHEREAS, bread treated with polyoxyethylene monostearate in order to preserve the appearance of freshness has not been shown to be safe for human consumption over an extended period of time; and

WHEREAS, there is a substantial question as to the deleterious effect of the ingestion of this chemical over an extended period of time; and

WHEREAS, the food and drug administration of the federal security agency has defined a standard of bread which precludes the addition of polyoxyethylene monostearate which standard has been upheld by the supreme court of the United States; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the board of health make such changes in the rules and regulations promulgated by it as shall be necessary to prohibit the use of polyoxyethylene mono-

stearate, or any other bread softener which has not been shown to be safe for human consumption over an extended period of time, in any bread sold within the Territory.

SECTION 2. That a duly certified copy of this Joint Resolution be forwarded to the president of the board of health.

SECTION 3. This Joint Resolution shall take effect upon approval.

(Approved June 1, 1953.) S. J. R. 91, J. R. 43.

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J. R. 44

**Joint Resolution** Relating to the Dates Prescribed By Law for Submitting County Budgets, Fixing Tax Rates, Paying Real Property Taxes, and Performing Other Acts Connected Therewith.

WHEREAS, the regular session of the Twenty-Seventh Legislature of the Territory of Hawaii has been extended through May 19, 1953; and

WHEREAS, measures pending before this legislature may materially affect the revenues and expenditures of the several counties; and

WHEREAS, section 5253 of the Revised Laws of Hawaii 1945 requires the submission of county budgets to the territorial treasurer on or before May 15 during legislative years, which date is four days before the expiration of the extension of the current legislative session; and

WHEREAS, the present situation is likely to recur in the event of an extension of the session at any future legislative session; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The requirements of sections 5162, 5252 and 5253 of the Revised Laws of Hawaii 1945 to the contrary notwithstanding, in any year in which the regular session of the legislature is extended:

(a) Any county budget may be submitted, or if already submitted may be amended, on or before that date which is fifteen days after the adjournment sine die of said session.

(b) Any tax rate may be fixed, and other acts required by section 5252 of the Revised Laws of Hawaii 1945, not covered by paragraph (a), may be performed, on or before that date which is twenty days after the adjournment sine die of said session.



(c) The date for payment of the first installment of real property taxes shall be, instead of June 20, that date which is sixty days after the adjournment sine die of said session.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved June 4, 1953.) **S. J. R. 106, J. R. 44.**

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**J. R. 45**

**Joint Resolution Relating to Free Use of  
the Lahaina Wharf, Lahaina, Maui.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The territorial board of harbor commissioners be and it is hereby authorized and directed to permit any transportation company or corporation plying on the waters between Mala, Maui, and Lanai regularly, to use the Lahaina wharf, Lahaina, Maui, without charge or fee for a period for four (4) years from the date of approval of this Joint Resolution.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved June 5, 1953.) **H. J. R. 125, J. R. 45.**

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**J. R. 46**

**Joint Resolution Requesting the Congress  
of the United States to Ratify and Confirm Act 211  
of the Session Laws of Hawaii 1953, Authorizing the  
Territory to Issue General Obligation Bonds, the  
Proceeds Thereof to be Used for Veterans'  
Mortgages.**

WHEREAS, there has been in the Territory of Hawaii insufficient mortgage money available for the financing of veterans' homes and farms; and

WHEREAS, the Territory of Hawaii proposes to remedy such situation by the issuance of general obligation bonds, the proceeds thereof to be used for the purchase and making of veterans' mortgage paper; and

WHEREAS, the existing limitations on the bonded debt of the Territory preclude the Territory from embarking upon such a program of promoting the construction of homes for veterans; and

**AUTHORIZING ISSUANCE OF \$20,000,000.00  
BONDS BY TERRITORY**

**J. R. 46**

WHEREAS, such mortgage program is necessary and essential to the welfare of the veterans of the Territory of Hawaii; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Congress of the United States be, and it is hereby, respectfully requested through the Delegate to Congress from the Territory of Hawaii, to enact legislation which will enable the Territory of Hawaii, any provisions of the Hawaiian Organic Act, of any laws of the Territory of Hawaii or of any Act of Congress to the contrary notwithstanding, to issue general obligation bonds in the amount of twenty million dollars, such authorization to be over and above any limitation on the bonded debt of the Territory imposed by the Hawaiian Organic Act, the proceeds thereof to be used for the purchase and making of mortgages upon the homes and farms of veterans and to that end the Congress of the United States of America is hereby respectfully requested, through said Delegate to Congress, to enact a bill in substantially the following form, to wit:

"A bill to enable the legislature of the Territory of Hawaii to authorize the issuance of general obligation bonds, the proceeds thereof to be used for veterans' mortgages.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled:

That the Legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act, or any law of the Territory of Hawaii or of any Act of this Congress to the contrary notwithstanding, may authorize the issuance of general obligation bonds in the amount of twenty million dollars, such authorization to be over and above any limitation on the bonded debt of the Territory imposed by the Hawaiian Organic Act, the proceeds thereof to be used for the purchase and making of mortgages on homes and farms of veterans within the Territory of Hawaii.

Section 2. The bonds issued under the authority of this Act shall be serial bonds, payable in substantially equal installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

## **J. R. 47    TAXATION PROCEEDS OF SALE OF REAL PROPERTY**

Section 3. Act 211 of the Session Laws of Hawaii 1953, relating to the issuance of general obligation bonds, as authorized by this Act, is hereby ratified and confirmed, subject, however, to the provisions of this Act."

SECTION 2. Certified copies of this Joint Resolution shall be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 8, 1953.) **S. J. R. 78, J. R. 46.**

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### **J. R. 47**

**Joint Resolution** Requesting the Congress of the United States to Enact Legislation to Provide That the Proceeds of Sales of Real Property Owned by Estates, Trusts and Individuals Where Owned by Said Estates, Trusts or Individuals for Ten Consecutive Years Prior to Said Sale or Sales be Taxed for Federal Income Tax Purposes as Capital Gains and Not as Ordinary Income.

WHEREAS, large tracts of land in the Territory of Hawaii are owned by estates and trusts, and individuals who may have inherited said lands; and

WHEREAS, it is to the best interests of this Territory that these lands be subdivided and sold in fee simple to the purchasers thereof; and

WHEREAS, the owners of said lands desire to cooperate with the government housing programs and otherwise to make available said lands to small homeowners but are prevented from so doing in the majority of instances because the owners of said lands on subdivision and sale might be taxed on the proceeds thereof for federal income tax as ordinary income; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States of America is hereby requested to amend section 117 of the Internal Revenue Code, or by other appropriate legislation, to provide that where real property has been owned for a period of not less than ten years consecutively prior to any

sale thereof by any estate, trust, or individual, that on any sale of said real property, whether by subdivision or otherwise, the proceeds of said sale or sales shall be taxable for federal income tax purposes as a capital gain, or gains, and not as ordinary income.

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Treasury of the United States, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 8, 1953.) **H. J. R. 96, J. R. 47.**

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**J.R. 48**

**Joint Resolution** Removing from the Provisions of Chapter 2 and Chapter 3, Revised Laws of Hawaii 1945, as Amended, all Psychiatrists employed at the Territorial Hospital, and with the Bureau of Mental Hygiene of the Department of Health.

WHEREAS, the demand for trained psychiatrists in the United States far exceeds the available supply; and

WHEREAS, it has been repeatedly demonstrated that trained psychiatrists cannot be recruited within the Territory of Hawaii; and

WHEREAS, in order to adequately staff the territorial hospital at Kaneohe, Oahu, and the bureau of mental hygiene of the department of health, Territory of Hawaii, it is necessary to secure psychiatrists from the mainland United States; and

WHEREAS, adherence to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, makes such recruitment virtually impossible; now, therefore.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That all positions for psychiatrists at the territorial hospital, department of institutions and the bureau of mental hygiene, department of health, be and they are hereby exempted from the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945.

SECTION 2. The director of institutions and the president of the board of health are authorized to employ such psychiatrists as may be needed from time to time by the territorial hospital and the bureau of mental hygiene on a contractual basis, said contracts being subject to approval by the governor.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 9, 1953.) S. J. R. 34, J. R. 48.

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### J. R. 49

**Joint Resolution** Relating to Prison Camps of the Department of Institutions, Including Improvements at the Olinda Prison Camp on the Island of Maui and the Kulani Project on the Island of Hawaii, and Making an Appropriation by Way of Advancement Therefor.

WHEREAS, Act 314, Session Laws of Hawaii 1951, provided for the "constructing, improving, and equipping prison facilities at Kulani Prison Camp, county of Hawaii"; and

WHEREAS, said Act 314 provided for the sale of Oahu Prison lands, the proceeds of which sale were to be used for the construction set forth above; and

WHEREAS, the existing temporary wood frame structures at the Kulani Project are in such a state of deterioration that their repair and renovation is neither economical nor feasible; and

WHEREAS, the commissioner of public lands acting under authority of Act 314, Session Laws of Hawaii 1951, has been unable as yet to effectuate a satisfactory sale of Oahu Prison lands; and

WHEREAS, the sale of Oahu Prison lands may be delayed beyond the time at which Kulani structures must be replaced; and

WHEREAS, the prison camp at Olinda, island of Maui, is badly in need of adequate quarters for the camp superintendent; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of \$92,000.00, or so much thereof as may be necessary is hereby appropriated by way of ad-

vancement from the general fund of the Territory of Hawaii not otherwise appropriated to be used for the follownig purposes:

For constructing, improving and equipping  
prison facilities, Kulani project, island  
of Hawaii ..... \$75,000.00

For constructing a superintendent's home,  
Olinda Prison Camp, island of Maui.... 17,000.00.

SECTION 2. The money appropriated by this Act shall be reimbursed to the general fund of the Territory from the proceeds of the sale of Oahu Prison lands.

SECTION 3. The money appropriated by this Act shall be expended upon warrants drawn by the territorial auditor, on the treasurer, based upon vouchers approved by the director of institutions.

SECTION 4. This Joint Resolution shall take effect upon its approval.

(Approved June 10, 1953.) **H. J. R. 63, J. R. 49.**

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### J. R. 50

**Joint Resolution** Providing for the Refund  
of Certain Taxes to Kailua Bowling Center, Limited,  
Kailua, Oahu.

WHEREAS, a certain parcel of land (Tax Key 4-2-01-16) located at Kailua, Oahu, is owned by the Kaneohe Ranch Company of Kaneohe, Oahu; and

WHEREAS, said Kaneohe Ranch Company in early 1946 leased said land to Kailua Bowling Center, Limited, of Kailua, Oahu, which firm constructed bowling alleys thereon and has operated the same since the signing of the lease and is still operating the same as amusement and recreation for the citizens of said Kailua; and

WHEREAS, during the years from 1947 to 1951, inclusive, the territorial tax commissioner assessed real property tax upon said bowling alleys; and

WHEREAS, the said Kailua Bowling Center, Limited, paid the "real property" tax to the Territory of Hawaii as assessed by the said commissioner amounting to a total of \$3,226.10 for the years 1947 to 1950, inclusive; and

WHEREAS, sometime in 1951, the attorney general of the Territory of Hawaii, ruled by legal opinion that bowling alleys as such are not real property but personal property; and

WHEREAS, the real property tax as assessed for the year 1951, which tax was paid under protest, was subsequently refunded by the said commissioner to said Kailua Bowling Center, Limited; and

WHEREAS, the "real property" tax paid by the said Kailua Bowling Center, Limited, for the years from 1947 to 1950, both years inclusive, as listed above, has not yet been refunded by the said commissioner because of certain prohibiting statutes; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The territorial tax commissioner is hereby authorized and directed to refund the Kailua Bowling Center, Limited, of Kailua, Oahu, such real property taxes as were improperly assessed upon and paid by the said Kailua Bowling Center, Limited, for the years from 1947 to 1950, both years inclusive, which taxes amount to \$3,226.10.

SECTION 2. Any amounts which by this Joint Resolution are directed to be refunded and which represent property taxes improperly assessed shall constitute an advancement to the county in which such taxes have been collected, and shall be repaid by the treasurer of the Territory into the general fund of the Territory by retaining the amount from the next collection of such taxes on account of such county and paying the same into said general fund.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 12, 1953.) **H. J. R. 72, J. R. 50.**

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### J. R. 51

**Joint Resolution** Requesting the Congress of the United States of America to Appropriate Funds to Complete the Port Allen Breakwater, Kauai, Territory of Hawaii.

WHEREAS, the breakwater at Hanapepe Bay extends but half way out from the easterly shore of the bay; and

WHEREAS, a breakwater extending from the westerly shore of Hanapepe Bay is necessary to provide for adequate

protection from beach erosion in the bay area, and to improve conditions that make for safety within the bay and around Port Allen Harbor; now, therefore, ,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Congress of the United States is hereby respectfully requested to make an appropriation to be expended for the construction of a breakwater to extend from the westerly shore to a distance almost half way out into Hanapepe Bay, so as to improve the safety around Port Allen Harbor and reduce beach erosion in the bay area.

SECTION 2. Certified copies of this Joint Resolution shall be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 12, 1953.) S. J. R. 25, J. R. 51.

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### J. R. 52

**Joint Resolution** Relating to Housing; Requesting the Hawaii Housing Authority to Investigate and Determine Housing Conditions and the Need for Additional Housing Within the County of Kauai; Requesting the Hawaii Housing Authority to Develop and Provide Housing and Other Facilities; Conferring Certain Powers, Privileges and Immunities Upon the Hawaii Housing Authority; and Making Appropriations.

WHEREAS, it may be that there is a lack of safe and sanitary dwelling accommodations within the county of Kauai and that consequently persons of small means or low income are compelled to occupy overcrowded, congested, unsanitary or unsafe dwelling accommodations within said county; and

WHEREAS, such conditions, if they exist, cause an increase in and spread of disease, crime and juvenile delinquency and constitute a menace to the health, safety, morals and welfare of the county of Kauai and of the Territory; and

WHEREAS, no investigation of such conditions and of the need for additional housing within the said county has



been made by any government agency or instrumentality, due to lack of funds or authority; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Hawaii Housing Authority be, and it is hereby requested to investigate into housing conditions within the county of Kauai and into the need for additional housing within such county, and to determine whether it is necessary or desirable, in the advancement of the public health, safety, morals or welfare, that housing be developed by the authority within said county either under, or of the character provided for by, chapter 61 of the Revised Laws of Hawaii 1945, as amended, Joint Resolution 4 of the Session Laws of Hawaii 1947, as amended, or Act 338 of the Session Laws of Hawaii 1949. The terms "authority", "housing", "develop" and "development", as used in this Joint Resolution, shall have the respective meanings set forth for such terms in section 2 of said Joint Resolution 4, as amended.

SECTION 2. In making such investigation and such determination the authority shall have all of the powers, privileges and immunities that such authority has under sections 3509, 3510, 3511 and 3512 of the Revised Laws of Hawaii 1945, including any amendments to each such section.

SECTION 3. If upon such investigation the authority determines that it is necessary or desirable that housing be developed by the authority within the county of Kauai under any or several of the statutes specified, or of the character mentioned, in section 1 hereof, it is hereby requested to do any and all things necessary to provide such housing within said county to the extent that moneys have been appropriated or may be available for such purpose.

SECTION 4. The authority is hereby authorized to expend from the housing revolving fund created by section 12 of said Joint Resolution 4, as amended, such moneys as it may deem necessary or desirable to carry out the purposes of this Joint Resolution, including the making of the said investigation and determinations and, if it is determined by the authority that it is necessary or desirable that housing be developed by the authority as herein provided, the development of such housing regardless of its character or the law under which it may be so developed.

SECTION 5. This Joint Resolution shall take effect upon its approval.

(Approved June 12, 1953.) S. J. R. 29, J. R. 52.

## J. R. 53

**Joint Resolution Making an Appropriation  
for the Care and Maintenance of the Collections of  
Specimens Deposited With the Bernice P. Bishop  
Museum.**

WHEREAS, in 1921 the Bernice P. Bishop Museum was made the official depository of the Territory of Hawaii for collections of specimens of natural history and of ethnological and archaeological interest, as set forth more particularly in section 34, Revised Laws of Hawaii 1945; and

WHEREAS, these collections of specimens have been committed to the care and custody of the Bernice P. Bishop Museum; and

WHEREAS, the Bernice P. Bishop Museum has paid all expenses in connection therewith out of the funds available to it from museum endowment and private contributions without any assistance from the Territory of Hawaii; and

WHEREAS, the present financial condition of the Bernice P. Bishop Museum is such that it is in need of financial assistance to carry on this work; and

WHEREAS, it is desirable that these valuable items remain in the care and custody of the Bernice P. Bishop Museum; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of the general revenues of the Territory, for the biennial period beginning July 1, 1953, and ending June 30, 1955, the sum of \$25,000.00 to be paid in 4 equal semi-annual installments to the trustees of the Bernice P. Bishop Museum for the care and maintenance of collections of specimens deposited with the Bishop Museum.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved June 12, 1953.) S. J. R. 53, J. R. 53.

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J. R. 54

**Joint Resolution Making an Appropriation  
for the Construction of a New Building for the Blood  
Bank of Hawaii, Honolulu, Oahu.**

WHEREAS, the offices and facilities of the Blood Bank of Hawaii, a nonprofit eleemosynary corporation serving the general public of the Territory of Hawaii, are presently located in a building belonging to the Queen's Hospital, Honolulu; and

WHEREAS, said building will be demolished so that a new building may be constructed to provide adequate space for a growing facility of said Blood Bank; and

WHEREAS, the cost of said new structure is estimated to be approximately seventy-seven thousand eight hundred and four dollars (\$77,804.00) of which thirty-five thousand dollars (\$35,000.00) will be met by the said Queen's Hospital; and

WHEREAS, the balance of forty-two thousand eight hundred and four dollars (\$42,804.00), plus six thousand four hundred twenty-one dollars (\$6,421.00) for additional equipment and furnishings or a total of forty-nine thousand two hundred twenty-five dollars (\$49,225.00) must be met by the said Blood Bank; and

WHEREAS, the said Blood Bank serves all islands in the Territory and has demonstrated over the years past its vital importance to every citizen of the community; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, for the purpose of constructing and providing the necessary facilities for a new building for the Blood Bank of Hawaii, Honolulu, Oahu, as approved by the trustees of the said Blood Bank.

SECTION 2. The moneys hereby appropriated shall be expended for the purposes set forth and shall be expended upon warrants of the territorial auditor based upon vouchers approved by the superintendent of public works.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 12, 1953.) S. J. R. 94, J. R. 54.

### J. R. 55

**Joint Resolution** Appropriating \$50,000.00  
From the General Revenues of the Territory of  
Hawaii for the Pacific War Memorial Commission.

WHEREAS, the Pacific War Memorial Commission was established by Act 288 of the Session Laws of Hawaii 1949 to create and maintain a living memorial commemorating the sacrifices in the Pacific Ocean area of our nations, and our allies' heroic war dead; and

WHEREAS, the pacific memorial system delineated in the drawings which are a part of the commission's report to the Twenty-Seventh Legislature of the Territory of Hawaii, which system includes a memorial boulevard from Pearl Harbor to the entrance of Honolulu, the National Cemetery of the Pacific, Diamond Head, the University of Hawaii, and all of the pertinent portions of the United States military establishments, has been approved, ratified and confirmed by Senate Joint Resolution No. 66 of the legislature; and

WHEREAS, the members of the Pacific War Memorial Commission have been directed by this legislature to exert every effort toward the realization and achievement of its pacific memorial system; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the sum of \$50,000.00 is hereby appropriated from the general revenue of the Territory of Hawaii for the Pacific War Memorial Commission in furtherance of the powers and purposes heretofore conferred upon the commission by the legislature, and for the further purpose of initiating the steps necessary to start the pacific memorial system on its way toward ultimate fulfillment and realization. Said appropriation shall be in addition to any sums heretofore appropriated, and may be expended among other things, for the purpose of raising additional moneys for the pacific memorial system, and for investigating and contracting sources of additional funds which may be obtained by the commission, from outside the Territory of Hawaii, in bringing to accomplishment the pacific memorial system.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved June 12, 1953.) **S. J. R. 100, J. R. 55.**

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**J. R. 56**

**Joint Resolution** Providing for the Refund of Certain Taxes to Allied Amusements, Limited, Honolulu, to Andrew King Post No. 3850, Veterans of Foreign Wars and to John R. Rowe Post No. 17, American Legion.

WHEREAS, a certain parcel of land (Tax Key 2-1-44-32) located at Honolulu, Oahu, is owned jointly by Victoria K. Ward, Hattie K. Ward, and Lucy K. Ward; and

WHEREAS, said joint owners in 1948 leased said land to Allied Amusements, Limited, of Honolulu, Oahu, which firm constructed bowling alleys thereon and has operated the same since the signing of the lease and is still operating the same as amusement and recreation for the citizens of said Honolulu; and

WHEREAS, in 1950 the territorial tax commissioner assessed real property tax upon said bowling alleys; and

WHEREAS, the said Allied Amusements, Limited, paid the "real property" tax to the Territory of Hawaii as assessed by the said commissioner as follows:

Year	Assessment	Tax Rate	Tax
1950	40,000	33.06	\$1,322.40

WHEREAS, bowling alleys are not considered real property as defined by section 5101 of chapter 94 of the Revised Laws of Hawaii, as amended; and

WHEREAS, the said "real property" tax paid by the said Allied Amusements, Limited, has not yet been refunded by the said commissioner; and

WHEREAS, Andrew King Post No. 3850, Veterans of Foreign Wars, the real property tax paid by said Post for the years 1949 to 1953, inclusive, has not been refunded by said commissioner; and

WHEREAS, John R. Rowe Post No. 17, American Legion, paid taxes during the years 1951 and 1952 on gross income from non-profit activities, namely the operation of Kapiolani Home; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The territorial tax commissioner is hereby authorized and directed to refund the Allied Amusements, Limited, Honolulu, Oahu, the amount of \$1,322.40 which was improperly assessed as real property tax upon and paid by the said Allied Amusements, Limited, for 1950.

SECTION 2. The territorial tax commissioner is hereby authorized and directed to refund to Andrew King Post No. 3850, Veterans of Foreign Wars, such real property taxes as were improperly assessed upon and paid by said Andrew King

Post No. 3850, Veterans of Foreign Wars, for the years 1949 to 1953, inclusive, which taxes amount to \$662.68.

SECTION 3. The sum of \$2,053.65 is hereby appropriated to be paid to John R. Rowe Post No. 17, American Legion to reimburse it for taxes paid by it during the years 1951 and 1952 on gross income from non-profit activities, namely, the operation of Kapiolani Home.

SECTION 4. Any amounts which by this Joint Resolution are directed to be refunded and which represent property taxes improperly assessed shall constitute an advancement to the county in which such taxes have been collected, and shall be repaid by the treasurer of the Territory into the general fund of the Territory by retaining the amount from the next collection of such taxes on account of such county and paying the same into said general fund.

SECTION 5. This Joint Resolution takes effect upon its approval.

(Approved June 15, 1953.) H. J. R. 74, J. R. 56.

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### J. R. 57

**Joint Resolution** Providing for the Remission of Real Property Taxes Levied Against the Waianae Hongwanji Mission and the Kaneohe Community Club.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The tax commissioner of the Territory of Hawaii is hereby authorized and directed to remit all unpaid real property taxes, penalties and interest heretofore assessed against the Waianae Hongwanji Mission for the calendar year 1952 upon all real property owned and used by said organization during the said year for religious, educational, community and character building purposes.

SECTION 2. Notwithstanding the noncompliance for the year 1953 with any provisions or requirements of section 5151 or of section 5147 of the Revised Laws of Hawaii 1945 or any other law, the Kaneohe Community Club at Kaneohe, Oahu, a non-profit community organization, is exempted from the payment of real property taxes for the year 1953, and the tax commissioner of the Territory of Hawaii is hereby authorized and directed to remit all unpaid real property taxes, penalties and interest heretofore assessed against the

Kaneohe Community Club for the calendar year 1953 upon all real property owned and used by said organization.

SECTION 3. This Joint Resolution shall take effect upon its approval.

(Approved June 15, 1953.) **S. J. R. 54, J. R. 57.**

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### **J. R. 58**

**Joint Resolution** Requesting the Governor to Transfer the Control of the Breakwater and the Land Thereof at Kukuiula Bay, Kauai, by Executive Order to the Board of Harbor Commissioners.

WHEREAS, the breakwater at Kukuiula Bay, near the Koloa-Lawai boundary, county of Kauai can be improved to provide for a small boat harbor in the area; and

WHEREAS, it is proper to authorize the board of harbor commissioners to take control of the area occupied by the breakwater so that said board may proceed to make improvements by constructing a road to permit the use of the breakwater as a pier for small boats; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The governor of the Territory is hereby requested to issue an executive order transferring control of the breakwater, including the land area occupied by the breakwater, at Kukuiula Bay, county of Kauai, to the board of harbor commissioners and directing the board to exert jurisdiction over the area.

SECTION 2. This Joint Resolution shall take effect upon its approval.

(Approved June 17, 1953.) **S. J. R. 50, J. R. 58.**

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